The Expositions of the Termes

of the Lawes of Englande, with diuers proper rules and principles of the lawe, aswell oute of the Bookes of master Litleton, as of other. Gathered both in Frenche and English, for yong men very necessary, whereunto are added the olde tenures.

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1572.

¶ In ædibus Richardi Tottel.

Cum priuilegio.

¶ Prologus Iohannis Rastell.

Like as the vniuersall worlde can neuer haue his continuance but onely by the order and law of nature, which compelleth euery thing to doe his kinde: so ther is no multitude of people in no realme that can continue in vnitie and peace without they bee therto compelled by some good order and lawe, wherefore a good law obserued: causeth euer good people, and a good reasonable common lawe maketh a good common peace, & a common welthe among a great cõminaltie of people, and one good gouernor whiche causeth one lawe to bee obserued among diuers & muche people, bringeth diuers & muche people to one good vnitie, but diuers rulers & gouernors, & diuers orders and lawes one contrary to an other, and when that euery gouernour will haue the lawe after his minde, bringeth one multitude of people to variance & deuision, for as euerye man is variaunt from other in visage, so theye bee variable in mynde and condicion, therefore one lawe & one gouernoure for one realme & for one people is most necessary. And also, lacke of lawe causeth many wrongs to bee committed willingly: And lacke of knowledge of the lawe, causeth diuers wronges to bee don by negligence, therfore, sith lawe is necessary to be had, & a verteous & a good thynge. ergo to haue knowledge thereof is a necessary and a verteous & good thyng, & that, that is verteous and good, is good for euery man to vse: ergo it followeth, it is a good thinge for euery man to haue the knowledge of the lawe. And sith that it is necessarye for

euerye realme to haue a lawe reasonable & sufficiente to gouerne the great multitude of the people, ergo it is necessarye that the greate multitude of the people haue the knowledge of the same lawe, to the whiche they be boūd, ergo it followeth that the lawe in euery realme shoulde bee so published, declared, & written, in sache wise that the people so bounde to the same, mighte sone & shortly come to the knowledge therof, or els such a lawe, so kepte secretly in the knowledge of a fewe persones, and from the knowledge of the great multitude, maye rather bee called a trap and a net to bring the people to vexacion and trouble than a good order to bringe them to peace & quietnes. And forasmuch as the lawe of this Realme of Englande is ordeyned and deuised for the augmentacion of Iustice, & for the quietnes of the people, & for the cōmon welth of the same, ergo it is conuenient that euerye one whithin this realme bound to the same maye haue the knowlege therof, & not reasonable that any suche wayes shoulde bee had or vsed, whereby the people should bee ignorant of the lawe, or shoulde bee exiled or restrained from the knowledge thereof. I ther fore considering these foresaide causes, haue taken vpon me this little labour & study to declare & to expownde certain obscure & darke termes concerninge the lawes of this Realme & the nature of certayne writtes for the helpe and erudicion of them that bee yong beginners, whiche intend to bee studientes of the lawe. For as the Philosopher saith. Ignoratis terminis ignoratur et ars. That is to say. He that is ignorant of the termes of anye science, must needes bee ignorante of the science. But yet I haue not enterprised this, for that, that I thinke my selfe sufficient & able to expounde thē as substancially as other depe learned men can doe, but to thentent that some ease & furtherāce of learning may come to yong studientes by

tes by readyng of this lame. And also I haue compiled and indited this little worke, first in the frenche tong, as is vsed in the bookes of oure law, and after translated the same compilacion into oure Englishe tongue, to thentent that suche yong studientes maye the sooner attein to the knowledge of the Frenche tongue, which knowledge so had, shalbee a great helpe and furtheraūce vnto them, whan they shal study other workes of the lawe of more difficulties, as bee the bookes of yeres & termes, & other bookes whiche bee writen in the frenche tongue, whereby they shall come to the more knowledge of the lawe, whiche knowledge of the lawe so had, & the trewe execucion of the same lawe, shalbee greatly to the augmentacion of the common wealth of this Realme, whiche the eternall God increase & preserue to his great honour and glorye.

AMEN.

ABiuracio eſt lou vn que ad comis murder ou felonye fue al aſcune Eſgliſe ou auter lieu priuilege pour la ſauegarde de ſa vie, & la deuaunt le Coroner fayt tiel confeſſion que puit fayre ſufficient inditement de felonye, donques le Coroner luy ferra de abiure la Realme & aſſignera a luy a quel porte il alera & luy iurra que il ne va hors del haut chimin, & que il ne demurra a le porte (ſil puit auer bon paſſage) forſque vn floode & vn ebbe, & ſil ne puit auer paſſage, que il alera cheſcun ioure durant xl. iours in la mer a ſon genᵍ, mes ſi tiel felon q̄ abiure ala hors de

A Biuracion is, where one that hathe committed murder or felony flieth to anye Churche or other place priuiledged, for ſauegarde of his life, and there before the Coroner maketh ſuche confeſſion whiche may make a ſufficiente inditemente of felony, then the Coroner ſhall make him to forſweare the realme, and ſhall aſſigne to hym to what porte he ſhal goe, & ſhal ſweare him that he go not out of ẏ hye way, & that hee ſhal not abyde at the port (if hee may haue good paſſage) but one flood and an ebbe, and if he can not haue paſſage, that he ſhall goe euerye day duringe xl. daies, into the ſea to his knees, but yf ſuche a Felon that abiureth, goe oute of the

byghe Waye, and flye ethe to another place, if hee bee taken, he shal bee broughte before the iudge, & there shall haue iudgement to bee hanged. But if hee whiche so prayeth ỹ priuilege will not abiure, thã he shal haue the priuilege for xl. dayes, & euerye mã may geue him meate & drike. But if any geue him sustenaunce after xl. dayes, although it be hys wife, suche geuynge is felony. Also, he that dooth abiure, shalbe delyuered from one cõstable to an other, and from one fraunches, to another, till that hee come to hys porte, and if the constable will not receyue hym, he shalbee greuously amerced. Loke the othe in ỹ treatise de Abiuratione coronatorũ.

la chemine & fue a auter lieu, si il soyte prise il serra amesne deuaunt le iuge, & la auera iudgemẽt destre pendu. Mes sil que issint pria la priuilege ne voile abiure, donque il auera la priuilege pur xl. iours, & chescun puit luy donner viande, mes si ascun donne luy viander apres xl. ioures, mesque il soit sa femme, tiel doñ est felony. Auxi cestuy que abiure serra deliuer per vne constable a lauter, de vn fraunches a lauter, tanque il vien a son port, & silne voit luy receuoir il serra greuousement amercye.

Vide iuramentum tractatu de Abiuratione coronatorum.

Abatement in terre ou tenementes est quant home murrust seisie de ascuns terres ou tenements, & vn estraūge q̄ nad droit étra in le terre deuát leire, cest appel vn abatemēt, mes si lheire entre primes, & lestrá ge entra sur la possession leire, dōque il est disseisin al heir.

¶ Abatement in landes and tenementes is whā a man dieth seised of any landes, or tenementes, & a straunger whiche hath no righte entreth into the land before ẏ heire, this is called an abatement, but if ẏ heire enter first, and the straunger enter vppon the possession of ẏ heire, than it is a disseisin to the heire.

Abatemēt de briefe ou plaint é quát ascū actiō est port par brief ou plainte, & faut sufficiēt matter, ou le matter est nō certaine allege, donqs le defendant priera que le briefe abatera. s. q̄ le pleintife comēcera sa suite nouelment, & portera vn auter brife ou pleinte si il voile, mes si le defendant

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¶ Abatement of a write or plainte, is whan anye actiō is brought by writ or plaint: & there lacketh sufficient matter, or els ẏ matter is not certaine alledged, thē the defendaūt shal praye that the writ shall abate, that is to saye, that the plaintife shall begin his sewte a newe, & shall bringe an other writ or plainte if hee wil. But yf the de-

fen

fendaũt ī any actiõ plede a matter in barre, for to adnul ẏ accion for euer, hee shall not come afterwarde to plede in abatemẽt of ẏ writ, but if after it appere in the Record, ẏ there is some matter apparãt, for ẏ which the writte ought to be abated, then the defendãt or anye person as a frende to the courte, maye well plede & shewe ẏ in arrest of iudgemẽt. Also these be thinges whiche shall abate a writ, ẏ is to saye, misnamig of ẏ pleĩtife or ẏ defendãt, or of ẏ place, variaũce betwẽ ẏ writ & ẏ specialte or Recorde, vncertaintie in the writ or declaracõ, death of ẏ plaintif or defendãt. And many other things, which would bee to long at this tyme to write.

in ascun accion plede vn matter in Barre, pur anuller le acciõ a touts iours, il ne viendra ī apres a pled. ī abatemẽt de brief, mes si apres il appiert in le recorde que est ascun matter aparaũt pour q̃ le briefe doit estre abatus, donq̃s le def. ou ascũ auter person, vt amicus curię puit bien plede & mõstre ceo in arest de iudgemẽt. Auxi sont diuers choses q̃ abatera vn briefe. s. misnom̃ del pl. ou def. ou de lieu, variaũce inter la brife & le especialtie ou recorde, non certeintie ī le briefe ou coũt, mort del pl. ou def, & plusoures auters choses que serrõt plᵍ longe a cest tẽps pur escrier.

Abbe

Abbe eſt la ſufferain de meaſon de Religion, & tiel ſufferaine in aſcun tiel meaſon ne ſerra charge p act de ſon p̄deceſſour ſil ne ſoit per comen ſeale, ou per tiel choſe que vient al vſe de ſon meaſon. Auxi abbe ne ſerra charge pur le det ſon comoigne deuant ſon entre in religion, meſque le creditor ad de ceo vn eſpecialtie, ſinō que il auoit deuenus al vſe de meaſō, mes les executours de comoign̄ ſerrōt charge de ceo.

Abrigemēt de plaīt ou demaũde eſt quāt aſcū aſſiſe eſt port ou vn brife de dower & le plaint. ī laſſiſe fait ſō plaīt ou le demaũdāt in brief de dower fait ſa demaũde de diuers parcels de terre,

¶ Abbot is ẏ ſoueraine of a houſe of religiō ſuch a ſoueraine in any ſuche houſe ſhall not bee charged by ẏ act of his p̄deceſſour, if it be not by conēt ſeale, or for ſuche thinges which cōmeth to ẏ vſe of his houſe. Alſo an abbot ſhal not be charged for ẏ dette of his monke before hiz entre ī religiō though ẏ creditour haue an eſpecialte thereof, excepte ẏ it haue comē to ẏ vſe of his houſe, but the executours of the mōke, ſhalbe charges thereof.

Abzidgemēt of plainte or demaũde is when any aſſiſe is brought or writte of dower, & the plaintiſe in the Aſſiſe maketh his plainte, or the demaundaunt in a writ of dower maketh her demaũde of diuers parcels of Land,

and

and the tenaunte pleadith nõ tenure or iointenancy to parcell of the lande in abatemente of the writ, than the plaintife or demaũdant maye abredge his plaint or demaũde to that parcel, & shall praye that ỹ tenaunt shal aunswer to the remenaunt, ỹ cause is for that, that in such writtes the certeintie is not cõprehended in the writ.

& le tenant plede nõ tenure ou iointenancy al parcel del terre in abatement de briefe, donques le pleintif ou demaundant puit abrege son pleint ou demaunde a cel parcel & priera que le tenant respondra al remanẽt, & le cause est pur ceo que en tiels briefes la certeinetie nest comprise en le briefe.

Accessorie is he, that eydeth, assisteth, or comforteth anye man ỹ hath done any murder or felony, wherof he hath knowledge, thã such an accessorie shalbee punished, & shall haue iugement of lyfe & mẽber, as well as ỹ principall, whiche dyd the felony. But suche an accessory shall neuer bee put to aunswere to that

Accessorie est celuy que eyde, assist ou cõfort ascun home que ad fait ascun murdur ou felonie dont il ad conusauns, donques tyle accessorie serra punishe, & auera iugement de vie & de mẽber auxi biẽ come le principal q̃ fist le felonye, mes tiel accessory ne serra iames mis a respõdre a ceo,

tanque

tãque la principal soit cõuicte ou attaint ou soite vtlage de ceo, mais vn feme in tiel cas ne sera accessory pur le aider de son barõ, auxi si vn cõmãde lauter de faire felony et il le fait, si le cõmaũder ne soit present il est accessorie, mes sil soit present il est principall auxi biẽ come lauter que fist le fait, mes in Treason auxi bien les cõmaunders come les assisters & receiters aps sont touts foits principalles.

till the principall bee attaint or conuicte or bee outlawed there vppon, but a womã in such case shall not be accessorie for ẏ helping of her husbãd. also if one cõmaunde an other to do a felonye and he doth it, if the commaũder be not pẽsent he is an accessory, but if he be present he is pricipal as wel as the other that did the dede, but in treason, as wel the commanders as ẏ assisters and receiters after bee allwayes principalles.

Accõpt est vn brief & gist lou bailife ou receiuer dascun Seignour ou auter hõe q̃ doit render accõpt ne voit son accõpt rẽder, dõques celuy a q̃ laccõpt doit este rẽd. suera cest brief. Et p

¶ Accompte is a writ & it lyeth where a baylife or a receyuer to any lord or other man, whiche ought to render accompt wil not gyue his accõpt, thẽ hee to whõ ẏ accõpte ought to be geuẽ shal haue this writ. And by the

statute

Statut of westm. ij. c. x. if ỹ accõptant be found in arrerage the auditours which be assigned to him haue power to awarde him to prison there to abide till hes haue made grement to the part, but if ỹ auditours will not allowe reasonable erpẽce and costes, or if theye charge him w̃ mo rescei-tes that they ought not, than his nerte frẽde that will sue for him shall sue a writ of cr pte talis out of the chauncerie dyrecte to ỹ shyrife to take. iiij. mainpernours, to bring his bodye before the barons of the escheker at a certain day, and to warne ỹlord to appere there at a certain daye.

¶ Acciõs reals bee such actions where the de-

lestatut de west. ii. ca. x. si laccõptãt soit troue i areragis les auditours que sount a luy assignes ount power de garder luy a prison a la demurrer tãque il ad fait gree al party, mes si les auditours ne voillont allower resonable expẽs & costage, ou sils chargeront luy oue plusoures resceites q̃ ne duissent, donques son ꝓcheine amy q̃ voyt suer pur luy suera vn briefe de expte talis hors del chaũcerye direct al vic. de prẽdre, iiij. mainpnors de rẽd. son corps deuaũt les barõs del Escheker a certain iour et de garner le Seignor dapperer la a m̃ le ioure.

Acciõs reals sount tiels acciõs ou le demaun

maũdaũt claime title a aſcũ terres, ou tene mentes,rent, ou comen in fee ſimple,fee taile ou a terme de vie.

Accions perſonels ſont tiels accions ou home claime det ou auters bienes & chateux ou dãmage pur eux, ou dammage, pur tort faite a ſon perſon.

Addicion eſt ceo q̃ eſt donne a vn home ouſter ſõ propre noſme & ſurnoſmes.s.a monſtre de quel eſtate ou degree ou meſtier que il ſoite,& de quel ville,hamlet,leu, & coũte, & tiels addiciõs fuerunt ordaine per leſtatut.an.i.H.v. cap.v. in accions ou proces dutlagarie giſt que vn ne ſerra greue per lutlagarie lau-

maũdãt claimeth tytle to anye landes or tenemen tes,rents,or comen in fee ſimple,fee taile,or for terme of lyfe.

¶ Accions perſonels bee ſuche accions wher a mã claimeth dette or other goodz or catelz or damage for them, or damages for wronge done to his perſon.

¶ Addicion is that, that is geeuen to a man ouer his proper name and ſur name, that is to ſaye, to ſhewe of what eſtate, degree, or crafte that he is, and of what town,hamlet,place,or Counte, and ſuche addicions were ordeyned by the ſtatute the firſt yere of Henry the v. cap.v. in accions where proces of vtlarie liethe y one ſhall not bee greued by vtlarie of another,

and

& ſuche writtes ſhall abate if they haue not ſuche addicīō if ỹ plaintife take exceptiō thereto, but they ſhal not abate by ỹ office of the courte. Alſo Duke, Marqs, Earle & knighte be none addicīōs but names of dignitie, whiche ſhoulde haue bene geuen before the ſtatute.

¶ Adminiſtratour is he to whō the ordinarie committed thadminiſtracion of ỹ goodes of a ded mā, for dfaut of an executour, & accions ſhal lie againſt him & for hym as for an executour, and he ſhal be charged to the value of ỹ goodes of ỹ ded man & no further, if yt bee not by his owne falſe plee, or for that ỹ hee hath waſted ỹ goodes of the deadde, but if thadminiſtratour dye, his executoures bee not

ter & tielz brieſes abateront ſils ne ount tiels addicions ſi le pl. priſt excepciō a ceo, mes ils ne abaterount per office de courte, Auxi duke, marques, Counte ou chiualler ne ſount pas addiciōs mes noſmes de dignitie queux duiſſont auer eſtre done deuāt le ſtatute.

Adminiſtrator neſt celuy a que lordinarye cōmit ladminiſtraciō des biēs la mort pur le faut de executors, & acciō giſt vers luy et pur luy cōe pur executour, & ſera charge ieſques al value des biens le mort et nient ouſter ſil ne ſoit p ſon faux plee ou pur ceo que il ad vvaſte les biēs le mort. Mes ſi adminiſtrator deuie, ſes executoures ne ſont

Admini-

Administratores, mes covient a lordinarye de commit nouel administracion, mes si vn estrãge q̃ nest administratour ne executour prist les biens le mort & ministr. de sõ tort demesne il serra charge et sue comme executor et nemy administrator in ascũ acciõ q̃ est. port vers lui p ascũ creditours. Mes si lordinarie fait vne briefe ad colligẽdum bona defuncti, cestuy q̃ ad tiel letter nest administratour, mes laction gist vers lordinarie auxi biẽ come sil prist les biẽs a son maine demesne, ou par le main dascũ son seruaunt per ascũ auter commaundement.

Administratoures: but it behoueth the Ordinarye to commit a newe administracion, but if a straunger that is not administratoure nor executoure take the goodes of the dead and minister of his owne wrõg, he shalbe charged & sued as an executoure & not as administratour in anye action ỹ is broughte against hym by any creditour. But yf ỹ ordinary make a letter ad colligẽdũ bona defuncti, he that hath such a letter is not Administratour, but the actiõ lyeth against ỹ Ordinarye, as wel as if hee tooke ỹ goodes to his owne hãde, or by ỹ hãde of anye of his seruauntes by any other commaundement.

. Admesuremẽt de dower est vn brief, et

¶ Admesuremente de dower is a writte, and it liethe

It lieth where a Womã is endowed by an infãt, or by a gardeyne of more than shee ought to haue, ẏ heyre in such case shal haue thys writ, by ẏ which ẏ womã shalbe admesured & ẏ heire restored. But if one abate, ẏ is to saye, enter after the death of the husbande & endow hys wife of more thẽ she ought to haue, the heire shall not haue this writt, but assise of mortdancester agaynst ẏ woman, & if she pleade ẏ she was endowed vt supra, the heire shall shew how shee was endowed by ẏ abatour and that she had more then shee ought to haue, and shall praye ẏ hee maye bee restored to the surplusage, & if it be found, he shalbe restored.

¶ Admesurement de pas

giſt lou vn femme eſt endowe p vn enfaũt ou per vn gardein, de pluis que ne deuoit auer, lheyre en tyel caſe auera ceſt briefe p quel la femme ſerra admeſure & lheyre reſtore. Mes ſi vne abate. s. vn q̃ nad droit entre apres le mort le barron & endowe ſa feme de pluis q̃ doyt auer leire nauera ceſt briefe, mes aſſiſe de mortdaunceſter vers la feme, & ſi ele pledé que el fuit endowe vt ſupra, lheyre monſtra comente el fuyt endowe per labatour & que el ad pluis que ne deuoit auer, et prier que il ſoyt reſtore al ſurpluſage, et ſi ſoyt troue il ſerra reſtore.

Admeſurement de

paſture eſt vn briefe, & giſt lou pluſors tenants ont comen append'en auter terre, et lun ſurcharge la cõen oue pluſors auers, dõ que lauters commoñs poient auer ceſt brief vers luy et auxy puit eſte port p vn comoñ ſolemt, mes donq; co uiẽt ẽe port vers toutes lauters comiñs & vers ceſti q̃ ſurcharge pur ceo q̃ touts les comiñs ſerront admeſures. Et ceſt briefe ne giſt vers luy ne pour luy q̃ ad cõen appurtenant ou comen en gros, mes ceux q̃ ount cõen append'ou cõen per cauſe de viſinage. Vide la diuerſite de touts ſes comens aps. Auxi ceſt brief ne giſt pour le ſeigniour ne vers le ſeigniour, mes le ſñr puit diſtrain les

ture is a writ, and it lyeth where many tenantes haue commen appendant in another groũd & one ouerchargethe ẏ comẽ w̃ many beaſts. Thẽ ẏ other commíners may haue this writ againſte him, and alſo it may bee brought by one cõmoner onely. But then it behoueth to be brought againſt all the other cominers, & againſt himẏ ſurcharged for that ẏ all ẏ cominerz ſhalbe admeſured, & this writ lieth not againſt him nor for him ẏ hath comen appurtenant or comẽ in gros, but thẽ which haue cõmen appendant, or common p cauſe de viſinage. Se ẏ diuerſity of al theſe cõmenz afterward. Alſo, this writ lieth not for the lord nor againſt the lord but ẏ lord may diſtrain ẏ beaſtes

beasts of the tenant ỹ be surplusage. But if ỹ lord ouercharge the cõmen, ỹ comoner hath no remedy by the comon law, but he shal haue remedi by writ of Sub pena in ỹ Chaũcery, as it is said.

aũs le tenant q̃ sount surplusage. Mes si le sñr surchargele comin le comiñ nad remedy p̃ le comen ley, mes il aũa remedi p̃ brief de Sub pena en le Chaũcerye vt dicitur.

¶ Age prier is, when an action is brought against an infaunt of lands that hee hath by discent, there hee shal shew the matter to the court, & shall praye that the action shal abide till his ful age of one and twenty yeres, and so by awarde of the courte, the suit shal surcesse. But in a writte of Dower & in Assise, & also in suche actionz wher the infant cõmeth in of hiz own wrõg he shal not haue his age.

A ge prier est, quant action est port verslẽfant de terre, que il ad per discent, la il monstra la mater al court, & priera que laction demurra tanq; a son plein age de. xxi. ans, & issint per agard de courte la suite surcessera, mes en briefe de dower & en Assise, & auxy en tyels actions ou lenfaunt vyent eins de son torte demesne, il nauera sa age.

Also note wel, ỹ there be many diuersities of ages, for ỹ lorde shal haue

Auxi nota que sont plusoures diuersities de ages. Quar le seigniour auera eyde de

ſon tenant en ſocage pour ſa file maryer quant le file le ſeignior eſt del age de vij. ans. Et auxy ayde pur faire ſon fitez et heire chyualer quaunt il eſt dage de ſepte ans. Auxy femme que eſt eſpouſe al. age de. ix. ans ſi ſon barron mur ruſt ſeiſi auera dower & nemye deuaunt ix. ans. Auxi. xiiij. ans eſt lage de feme quel ne ſerra en garde ſi ele fuit de tiel age al tẽps de mort ſon aunceſtoure, mes ſi ele fuyt deins age de. xiiij. ans & en gard ſon ſeignioũr, donques el ſerra en gard tãq; al age de xvi. ans, et auxi. xxi. ás eſt lage de heire male deſtre en gard et aps hors de gard, et auxy il eſt age de male et fe

ayde of hys tenant in ſocage for to marye hys doughter when ẏ dough ter of the lord is of thage of vij. yeares, & alſo ayde for to make his ſonne & heire knight when he is of the age of ſeuẽ yeres. Alſo a woman which is maryed at the age of ir. yeres, if her huſband dye ſeyſed, ſhall haue dower & not before nyne yeres. Alſo. riiij. yeres is ẏ age of a womã that ſhe ſhall not bee in warde if ſhee were of ſuche age at the time of ẏ deth of her aũceſſer. But if ſhee were wĩn ẏ age of. riiij. yeres & in ward of the lord, thẽ ſhe ſhal be in ward tyl ẏ age of. rvi. yeares, & alſo rri. yeares is the age of ẏ heire male to be in ward & after that out of warde & alſo it is ẏ age of male

and

& female to sue or to bee sued of lands which they haue or claim̃ by discent, and to make all maner contractz and bargains, & not before. But if such an infaunt wͤin ẏ age of xxi.yere geue his goods to me, yf I take them by force of the gift hee shall haue against me an actiõ of trespas, but if he geue thẽ to me, & deliuer them to me, it is otherwise.

male de suer ou destr' sue des terres q̃ ils oũt ou claimont ꝑ discẽt, & de faire toutes maners contracts et bargaynes, et nient deuaunt. Mes si tiel enfant deins age de.xxi. ans dona ses biens a moy, si ieo les preigñ ꝑ force del doñ il aũa vers moy vn brief de Tresp̃, mes sil les doñ a moy & eux deliuer a moy auterment est.

¶ Ad quod dampnum is a writ and looke for that afterwarde in the tytle Quale ius.

Ad quod dampnũ est vn brief, et vide de ceo ap̃s, titulo Quale ius.

¶ Adiornement is when anye court is dissolued & determined and assigned to be kept again at another place or time.

Adiournement est quant ascun court est dissolue et determine & assigne destre gard arrere al auter lyeu ou temps.

¶ Amendement is when errour is in the proces ẏ Iustice may amend it after iugemẽt, but if error

Amendemente est quãt error est en le ꝓces, les iustices poiẽt c̃ amender ap̃s iudge-

mt, mes si error soit en iudgemt done, ilz ne poient ceo amender, mes le ptye est mys al brief derror, et en plusors cases lou le def. appt en le clerke q̄ escriera le record, il serra amende.

Ayde est quant tenaunt a terme de vie, tenant en dower, tenaunt per la curtesy, ou tenant en tail, aps possibilitie dissue extinct est implede don que pur ceo q̄ ils nōt q̄ estate pur terme de vie, ils prayount aide de cesty en le reuerc̄ & proces serra fait p briefe vers luy de vener & pleder oue le tenāt en defence del terre sil voile, mes il couient q̄ ils accorde en ple, car sils vary le ple le teñt serra prise, & donq̄s leide pryer

be in iudgement geuing. they maye not amend it, but the partyis put to his writ of errour, & in many cases wher the defaut appereth in ỹ clerke that writeth the record, it shal be amended.

¶ Ayde is when tenant for terme of lyfe, tenant in dower, tenant by curtesie, or tenant in ỹ tail, after possibilitye of issue extincte is impleded, then for that, ỹ they haue noe estate, but for terme of lyfe, they shal pray in aid of him in the reuersion, & proces shallbee made by writ against him, to come & pleade with the tenant in the defence of the land if ye will, but it behoueth that they agree in plee, for if they vary, the plee of the tenāt shalbe take, and then the ayd prayer

is

is voide, but if hee come not at the second writte, then the tenant shall aũswere sole. Also tenaunt for terme of yeares, tenant at will, tenaunt by Elegit, and tenaunt bye statute marchaunt, shall haue ayd of him in the reuersion, & the seruaunt & bayllye of theire master when they haue done any thing lawfully in the right of their master.

¶ Ayde of the king is in like case as it is saide before of a comon person, & also in many other cases where ỹ king may haue losse, how bee it ỹ the tenant be tenant in fe simple he shal haue aide, as if a rent be demaũded against the kinges tenant which holdeth in chief, he shal haue aid, & so he shal not haue of a comẽ pson.

est en vain: mes sil ne vient al second brief le tenaunt respondera sole. Auxi tenaunt a terme dans, tenant a volunte, tenant per Elegit, & tenaunt per statut marchant, aueront eyde de cesty en la reuersion, & le seruant & bayly de lour master quant ils ount fait ascun. chose loialment en le droit lour master.

Ayde de roy est en semble case come est dit deuant de comen pson, & auxi en plusours auters cases lou le roy puyt aũ perde coment q̃ le tenaunt soit tenant en fee simple il auera aide. Cõe si vn rent soit demãdvers tenaunt le roye: q̃ tient en chief il auera aide & issint nauera de auter persone.

Auxy lou vn citie ou borow ad vn ſe farm del roy & aſcū choſe eſt demand vers eux que appertaine al fee ferme ils aueront aid pour le perde le roy. Auxy home auera ayde de roye en lyeu de voucher. Auxi le bayllife de roy, collectours, & pourueiors aueront ayde de roye auxybyen come les offycers de auters perſons.

Aile eſt vn briefe, et vide de ceo apres titu lo. coſinage.

Areſt eſt quant vn eſt priſe & reſtrayne de ſon libertye. Auxi vn home ne ſerra arreſt pour det, treſpas, detinu ou auter cauſe de action: ſinon que il ſoyte per vertue de precept ou commaū-dement hors de aſcū

Alſo where a citie or borough hath a ſe ferme of the king & any thing bee demaunded againſte thē which belongeth to ỹ fee ferme they ſhal haue ayd for the loſſe of the king. Alſo a mā ſhal haue ayd of the kyng in the ſteede of voucher. Alſo the kinges bayllife, the collector & purueyor ſhal haue ayd of the kynge as well as the officers of other perſons.

¶ Aile is a writ, & looke therfore after in the tytle of coſinage.

¶ Areſt is whē one is taken and reſtrained from his libertie. Alſo a man ſhall not bee areſted for dette, treſpas, detinue, or other cauſe of actyon but if it bee by vertue of precepte or commaundement out of ſome court,

but

but for treason, felonye, or breakynge of the kynges peace euery manne hathe authoritye to arrest wythoute warrant or precepte, but when a manne shall bee arrested for felonye, it beehoueth that some felony be doone and allso that hee bee suspected of the same felony: and when anye man shal bee arrested for felonye hee shall be brought to the Gayle, there to abide til the nexte sessions for to bee indyted, or for to bee delyuered by proclamacyon. But yf one bee arrest bye another for suspycious of felonye and no felonie bee doone then he may haue against him a wrytte of false imprisonment.

court, mes pour treason, felony, ou debruser de peace le Roye, chescun home ad auc thoritie de arrester sauns garrant ou precept, mes quant home serra arest pour felonye, il couient que ascun felony soyt fait, & auxy que il soyte suspecte de mesme le felonye, & quaunt ascun home est arest pour felonye il serra amesna a le gaile la a demourrer tanque al procheyn cession pur este indite ou pur este deliuer per proclamacion. Mes si vne soyte arest per vn auter pur suspicious de felonye, & nul felonye soyte faite donq; il puyt aũ vers luy vn brief de faux imprysonment.

¶ Annuitie is a certain

Annuitie est vn certaine

taine ſomme dargent que eſt graunt a vne home en fee ſimple, fee tayle, a terme de vie, ou a terme danz a prender del grauntour & ſes heires iſſint que nul fraunktenement eſt charge de c̄, de que home nauera vnques aſſiſe ne auter acciō real forſq; brief de annuitie. & neſt aſcun aſſets al heire le grauntee a q̄ il diſcendera.

ſumme of money which is graunted to a man in fee ſymple, fee tayle, for terme of life, or for terme of yeares, to take of the graunter or hys heires, ſo that noe free holde is charged thereof whereof a mā ſhall neuer haue aſſyſe nor other actyon reall and it is none aſſettes to the heire of the grantee to whom it ſhal deſcend.

Appel eſt lou vn ad fait murdure, robberye ou felonye, donques la feme ceſti qui eſt tue auera vne accion de appell vers la murderer, mes ſil nad femme donque ſon procheyne heyre qui eſt male auera le appel a aſcun tēps deins lan & ioure apres le fait. Et auxy ceſti que

¶ Appeale is where one hath done murdure, robbery or felonye, then the wife of him that is ſlaine ſhal haue an action of appeale againſt the murderer: but if hee haue noe wife, then his nert heire, which is male, ſhal haue the appeale at anie tyme within ẏ yeare & day after ẏ dede, & alſo he that

is

is so robbed, shall haue his appeale within the same time: Also in appeale, yf the defendaunt be acquited he shall recouer dammages againste the appellour, & thabbettours, & theye shall haue thenpr̃isonmẽt of a yere, & shal make fine to ỹ kig.

Also an appeale of mahem, is not in maner but an actyon of tresPas, for hee shall not recouer but damages, but if he cast a protection it shall not be allowed.

¶ Assetz is whẽ a tenant in ỹ taile, or a man seised of certain land in ỹ right of his wife alieneth ỹ lãd w̃ warranty & hath land in fee simple which descẽdeth to his heire which is also heir in ỹ taile or heir to ỹ womã & is as much in valu as ỹ other land:

est issint robbe auera son appell deins mesme la temps. Auxi en appel si le def. soit acquite il recouera dammage vers lappellour & labbettours, & ils aueront lenprisonm̃t dun an & ferront fiñ al roy.

Auxy vn appell de mayhem nest en manner forsque action de tresPas quar il ne recouera forsque dammages: mes sil gist vn protection il ne serra allowe.

Assets est quant tenaunt en le tayle ou home seise de certain terre en droit sa feme alie̅ la terre oue garr' & ad terre en fee simple que descend a so̅ heire q̃ est auxi heire en tayle ou heyre al feme & q̃ est tant en value qui lauter terre

en

en tyel caſe ſi aſcun tiels heyres portount briefe de formedone ou brief de ſur cui in vita pur la terre iſſint alien dõq; il ſerra bar per reaſon de cel garrauntie. Pur ceo que il ad ceſt terre iſſint a luy deſcendus que eſt taunt en value, et pur ceo ceſt terre eſt dyt vn aſſetes. Auxi aſſets eſt quaunt home eſt oblige en aſcun eſpecialtie et murruſt ſeyſie de terres en fe ſimple que diſcend a ſon heire ceſt terre eſt appell aſſets, pour ceo q̃ ſon heir ſerra charge de payer le dyt dette, ſi les executours ſon aunceſtour nont ryẽs de payer.

Aſſiſe eſt vn brief et gyſt ou aſcun home eſt mys hors de ſon terre ou tenementes

in ſuche caſe if anye ſuch heires bringe a writte of formedon, or a writte of ſur Cui in vita for the lande ſo alyened, then he ſhalbee barred by reaſon of thys warrauntye for that that hee hathe thys land ſo to hym deſended whych is as much in value, & for that this land is called an aſſettes. Alſo aſſettes is whenne a man is bounden in anye eſpecialty and dieth ſeyſed of lands in fee ſimple whiche deſcendeth to his heire, this lande is called aſſettes for that that hys heire ſhall be charged for to paye the ſayde dette, if the executours of his aunceſtors haue nothing to paie.

¶ Aſſiſe is a writ and it lyethe where anye man is put oute of hys lands or tene-

or tenements or yf any profyt to bee taken in a certain place and so disseised of his free hold. Free holde to anye manne is where he is seised of landes & tenementes or profit to be taken in fee simple, fee tayle, for terme of his own life, or for terme of another mannes lyfe. But ỹ tenant by elegit, tenaunt by statute marchaunt, and statut staple maye haue assise, how be it that they haue noe free hold, and this is ordained by dyuers statutes.

¶ Also in an assise, it is needefull alwayes that ther be one disseisour and one tenant, or otherwyse ỹ writte shall abate. Also where a manne is disseised and recouereth by assise of nouel disseisin, and afterward, is againe dis-

ou de ascun profite a prendre en certain lieu & issint disseisie de son fraunktenement. Franktenement a ascun home est lou il est seisie de terres, ou tenementes, ou profit a prender en fee simple, fee tayle, pour term de sa vie demesne, ou per terme dauter vie; mes tenaunt per elegit, tenant per statute marchaunt, & statute staple poyent auer assise comẽt que ils nount franktenñ, & cest est ordain per diuers statuts.

Auxi en assise il couient toutes foites que il soit vn disseisour & tenant ou auterment le briefe abater. Auxi ou vn home est disseisie & recouera per assise de nouel disseisin et puis est auterfoites disseisie

diſſeiſie par meſme le diſſeiſor il auera vers luy vn briefe de rediſ ſeiſin dyrecte al vicōt de faire inquiſicion & ſi troue ſoyte le rediſ- ſeyſin il ſerra mis en priſon. Auxi ſi home recouera briefe per aſſiſe de mortdanceſ- ter ou par auter iurr' ou per defalt, ou red cion & il ſoyt auter- foites diſſeyſie il aue- ra donques vn briefe de poſt diſſeiſin, & ceſti qui eſt pris et im priſon pur rediſſeyſin ne ſerra deliuer ſauns eſpecial commaunde ment le roy, vide les eſtatuts inde Marton ca.iij. Marlebridge.c. 8. &.w.2.ca.26. Auxi il eſt vn auter aſſyſe appell aſſyſe de freſh force, & gyſt lou hōe eſt diſſeyſie de tene- mentes queux ſount

ſeyſed by ꝯ ſame dyſſey- ſor, he ſhall haue againſt him a wꝛyt of reddiſſey- ſyn dyrected to the ſhyꝛif to make inquiſicion, & yf the rediſſeiſyn be foūd, he ſhal be ſent to pꝛiſon. In like maner if a man reco uer by aſſiſe of moꝛtdan- ceſter oꝛ by other Jure, oꝛ by defaut, oꝛ by reddi- cion & bee another time diſſeiſed thē he ſhal haue a wꝛit of poſt diſſeiſin, & hee which is taken & im- pꝛiſoned foꝛ rediſſeyſyn, ſhal not be deliuered wō- out eſpecial commaunde ment of the king. Se the ſtatutes therof Marton. ca.iij. Marlebꝛidge. capit octauo, & Weſtmynſter 2. capit. 26. There is alſo one other aſſiſe called aſ- ſiſe of freſhe foꝛce, & lieth where a man is diſſeiſed of tenementes which are

diuiſable

diuisable as in the Cytie of Londō or other boroughz or townes ỹ be frā chises, then the def. shall come into ỹ courte of the said town and enter hys plaint, & shal haue a writ directed to the Maire or bayllifs &c. & vpon ỹ one iury shall pas in mañ of Assise of nouel disseysin. But it behoueth ỹ hee do enter his pleinte within xl. dayes as it is saide, or otherwise he shallbe sent to ỹ comon law. And if ỹ officers delay ỹ execucō, then the pl̄ shall haue another writ to haue execucion, & a Sicut alias & a Pluries &c.

¶ Assise of darrain p̄sentment loke therof after in ỹ tytle Quare impedit.

¶ Assise of mortdaunceſter. Looke therfore after in the title Cosinage.

diuisables come la citie de Londres ou aut's boroughs ou vill' q̄ est enfrāchise, dōq; le def. viendra en la court de dit vill' & ētra sō pleīt, & aūa vn brief directe al Maire ou baylifs &c. & sur ceo passera vn iurye en manner dassyse de nouel diss. mes il coui ēt quil entra sō pleint deins. xl. iours vt dicitur: ou autermt il serra mis a le cōen leye. Et si les ministers delai execuc̄, dōq̄s les pl' auera vn auter briefe dauer execuciō, et Sicut alias & Pluries.

Assise de darrain p̄sentmente. *Vide* de ceo apres titulo Quare impedit.

Assise de Mortdaunceſter. Vide de c̄ aps titul' Cosinage.

Attournement

Atournement eſt, quaunt vn eſt tenant pour terme de vie,& ceſtuy en la reuerſyon que ad le fee ſimple graunta ſon droit et eſtate a vne auter donq; il couient que le tenaunt pur terme de vie agree a ceo,& ceſt agreement eſt appel attournement,car ſi ceſty en le reuerſiõ graunte ſon eſtate & ſon droyt a vn auter, ſi le tenant pur terme de vye ne attȣurna, ryens paſſa per le graunt . Mes ſil ſoite graunt per fyne en courte de recorde, il ſerra compell de attorñ. Et vide de ceo apres titulo Quid iuris clamat.

Attaint eſt vn brief & giſt lou falſe verdit eſt done per,xij. homes,& iugement dõe

¶ Attournemente is, when one is tenaunt for terme of lyfe, and hee in the reuerſion that hathe the fee ſimple graunteth his right and eſtate to another,then it behoueth ỹ tenant for terme of lyfe agree thereto , and this agreemente is called an atturnement, for if he in the reuerſion grant his eſtate and his right to another,if the tenaunt for terme of life atturne not, nothinge paſſethe by the graunt . But yf it bee granted by fyne in court of record , hee ſhall bee compelled to attourne, and looke thereof after in the tytle Quid iuris clamat.

¶ Attaynt is a writte, & it lieth wher falſe verdit is geuẽ by twelue men, & iudgement geuen theron

on

on, that ẏ party againſt whom they haue paſſed, ſhall haue thys wrytt agaynſt the twelue men, & when they bee at iſſue, it ſhalbee tryed by xxiij iurrors, & if the falſe verdite be found, the xij. mẽ be attaint, & then the iugement ſhalbe that their medowes ſhalbee eyred, their houſes broke down their woods turned vp, & all their lands and tenemẽts forfeited to ẏ king, but if it paſſe agaynſte him ẏ brought thattaint, he ſhalbee impriſond, & greuouſly raunſomed at the kings wil.

¶ Attaint alſo is when iudgemẽt is geuẽ in treaſon or felony.

¶ Auncient demeſne be certein tenures which be holden of ſuch manours which were in the handz

ſur ceo, donq; le partie vers que ilz auoyent paſſa, auera ceſt briefe vers les douze homes, & quaunt ilz ſount a iſſue, il ſerra trye per vynt quater iurrors, et ſi faux verdit ſoit troue, les xii. iurrours ſont attaynt et adonques le iudgement ſerra qui lour prees ſerrount arres, lour meſons debruſes lour bois ſubuertis, & toutes lour terres et tenements forfaits al roye, mes ſil paſſa enconter celuy qui port lattaīt il ſerra impriſõ & greuouſemẽt raũſom al volunt le roy. Attaint auxi eſt quãt iudgement eſt don in treaſon ou felony.

Auncient demeſne ſont certeine tenures que ſont tenus de tyels maners queux fue

ront en les maines de
ſeint Ed. la confeſſor
et les q̃uxil fiſt eſcrier
en vn liuer apell Do-
mes daye, ſub titulo
regis & touts les ter-
res ten⁹ del dyt mañs
ſont auncien demeſn̄
et les tenãts ne ſerr̄ot
implede, hors del dit
mañ, et ſilz ſ̄ot ilz po-
yent m̄oſtr' le matter
et abater le brief, mes
ſilz reſpond. al briefe
et plede et iudgemẽt
done, donq; les terres
ſont deuenus franke
fee a toutsiours. Auxi
touts tenants en aũ-
cié demeſne ſ̄ot fráke
de toll pur touts cho
ſes concernãt lour vi
and' et huſbandry in
auncien demeſne, et
pur les terres ils ne ſer
ront mis ne impanell
ſur aſcun enq̃ſt. Vide
pluis de ceo apres ti-
tulo Monſtrauerunt.

of ſaint Edward the cõ-
feſſour, & the whiche hee
made to bee wꝛitten in a
booke called Domes day
ſub titulo regis and all ỹ
landes holdẽ of the ſaide
manours bee auncien de
meſne, and the tenaunts
ſhal not be impleded out
of the ſayde manour, & if
they bee, they may ſhew
the matter and abate ỹ
wꝛitte, but yf they aun-
ſwere to the wꝛitte, and
iudgement geeuen, than
the landes become frank
fee foꝛ euer. Alſo the te-
nauntes in auncien de-
meſne be free of tolle foꝛ
all things cõcernig their
ſuſtenãce & huſbandꝛy in
aũcié demeſne, & foꝛ ſuch
landes they ſhall not bee
put noꝛ impaneled bypõ
anye inqueſte. Looke
moꝛe thereof after in the
tytle Monſtrauerunt.

Alſo

Also all the lands in auncien demesne i the kyngs handes bee franke fee & pleadable at ẏ comẽ law.

¶ Audita q̃rela is a writ, and it lieth where one is bounde in a statute merchaũt, statute staple, or recognisaunce, or iudgemẽt geuen against him, & his bodie in execution thereupõ, thã yf he haue a releas or other matter sufficient to bee discharged of execution, but hathe no daye in court to plede it, than he shall haue this writ against him ẏ hath recouered, or agaynst his executours.

¶ Auermẽt is wher a mã pleadeth a plee in abatemẽt of ẏ writt or barre of ẏ actiõ which he saith he is ready to proue as ẏ court will award, this offer to proue his plee is called an auermẽt.

Auxi touts terres en ancien demesne en la maine le seignior, sõt frank fee, et pledable al commen ley.

Audita querela est vn briefe, et gist lou vn est oblige en vne statut marchát, statut staple, ou recognisãce ou iudgement done vers luy et son corps in execution sur ceo, dõq; sil ad vne releas ou auter sufficiẽt matter deste discharg del execuc', mes nad iour de ceo pleder, dõq; il auera cest briefe vers cesty q̃ ad recouer, ou vers ses executors.

Auermẽt est, lou vn hõe plede vn plee en abatemẽt de brief ou barre dactiõ, q̃l il dist il est prist de proer cõe l' court voit agard, cẽ offer de proer sõ plee est apell vn auermẽt.

Auovvrie eſt, lou vn priſtdiſtres pur rẽt ou auter choſe, & lauter ſua Repleuin, dõques celuy qui auoit priſe, iuſtifiera en ſon plee pour quel cauſe le priſt, et iſſint auovva le priſe & ceo eſt appel ſon auowrie.

Aliẽ eſt celuy de que le pier eſt nee, et il m̃ auxi nee hors del legeaunce noſtre ſeignour le roy. Mes ſi vn alien vient et demurre en Engleterre q̃ neſt del enemies de roy & icy ad iſſue, cẽ iſſue nẽ aliẽ mes Engloys. Auxi ſi vn Angloys ala ouſter le meere oue licence le roy, et la ad iſſues, ceſt iſſue neſt alien.

Appropriacion eſt lou vn meaſon de religion. s. vn abbe ou auter ſoueraign & le

¶Auowry is where one taketh a diſtreſſe for rẽt or other thing, and the other ſueth repleuin, then he ẏ hath takẽ it, ſhal iuſtify in his plee for what cauſe he tooke it, and ſo auow the takinge and ẏ is called his auowry.

¶Alien is he of whome the father is borne, & hee him ſelfe alſo borne out of ẏ legeance of our lord the king, but if an alien come & dwell in Englãd which is not of ẏ kinges enemies, & here hath iſſu thys iſſue is not alyẽ but Engliſh, alſo if an ẽgliſh mã go ouer ẏ ſea w̃ the kings licẽce & there hath iſſue this iſſu is not aliẽ.

¶Appropriatiõ is wher an houſe of religion, ẏ is to ſay, an Abbot, or other ſoueraigne, and the couent haue ẏ advowſõ

of

of any perſonage & obteine licence of the Pope & of the Ordinarye that it ſhalbee from thenceforth a Vycarage, and that the vicar ſhall haue certein porcion of the benefice, and that the Abbot & the Couent ſhalbe perſõz and ſhall haue other profites, this is called appropriatiõ, & then the Abbot and Couent ſhall bee perſons in perſons. But ſuche appropriation maye not bee made to begyn in ỹ lyfe of the pſon without hys aſſent. But if ſuch auowſon of ỹ perſonage be recouered by aũcient title, then the appropriation is adnulled.

¶ Aduowſon is, where any man and his heires hath right to preſent his clerke to the ordinary to

couent ount vn aduouvſon de aſcun pſonage & obtayne licence del Pape & del Ordinary, que il ſerra de lors vn vicarage, & que le vicar auera vn certeine porcion del benefice, et que labbe & la couent ſer ront perſons & aueront les auters pfites ceſt appell vn appropriation, et donques labbe et le couent ſer rount perſones inperſones, mes tyel appropriacion ne puit eſtre fait a commẽce: en la vie la perſone ſauns ſon aſſent. Mes ſi tiel aduouvſon del perſonage ſoit recouer per ancien tytle, dõq; lappropriatiõ eſt adnul.

Aduouvſõ eſt, lou aſcun home et ſes heires a d droit de preſenter ſon clerke al ordi-

nary ascun benefice de seint Esglise quát il est void, dõq; celuy qui ad le droit, est appel patrõ, mes nul lay hõe puit auer aduowson dascun vicarage.

any benefice of holy churche when it is voyd, then he that hath such ryght, is called patron, but no lay men may haue the volvson of a vycarage.

Barre est quaunt le defendaunt en ascun accion plede vn plee que est sufficient respons & ceo adnull laccion de pleintife a touts iours.

¶ Barre is when the defendaunt in any acciõ pleadith a ple which is a sufficient aunswere, and that distroyeth the accion of ỹ plaintife for euer.

Battell est vn triell per combater q̃ serra inter deux persons et ceest triell puit este in briefe de droyt et in appel de murdure ou felonye. Mes si vne soit indite de felonye et puis la parte porte appelle sur lendytement, donques la defendaunt ne gagera battaile.

¶ Battell is a tryall by fightinge, whiche shalbe betwene. ij. persons, and this triell maye bee in a writte of right, and in appell of murdur or felony. But if one bee indited of felony, and after the parte bringeth an appel vpon the inditement, than the defendaunt shall not wage battaile.

Bastarde est celuy que est nee dascũ fẽe

¶ Bastarde is he that is borne of anye woman not

not maried ỹ his father is not knowne by the order of the law, & therfore he is called the childe of ỹ people. But by the lawe of holy church, if one get te a childe vpon a womã and is borne out of wedlok, & after he mary ỹ same woman, thẽ suche a child shalbe seid mulyer, & not bastarde. But by ỹ law of England it is bastard: & for ỹ whã suche special bastardy is alleged, it shalbe tried by the coũtry, & not by ỹ bishop. But general bastardy alleged shalbe tried by the certificat of the bishop.

¶ Also yf a woman bee great w̃ child w̃ her husband & her husbãd dieth, and she take an other husband, and after the childe is borne, than the childe shalbee sayde the child

nient espouse et que son pere nest conus p order del ley & pour ceo il est dit filius populi, mes per la ley de seint Esglise si vn engender vn infant sur ascun feme et est nee hors del espousels & puis il marye ĩn la fẽe donques tiel infaunt serra dit mulier & ne my bastarde mes per le lay Dengleterre il est bastard et pur ceo quaunt tiel especiall bastardie est alledge il serra trye p pays & nemye p leuesq; mes general bastardy serra trie per certification del eueſq;. Auxi si vn feme soyt grose de enfant oue son baron & le baron deuy et el prist auter baron et apres lenfãt est nee donques lenfant serra dit lenfant

le primer baron. Mes si el fuit priuement insent al temps del mort son primier baron, donques il serra dit lenfant le second baron.

Auxi si vn home prēt feme que soit grosement insent oue ascū auter que ne fuit son baron et puis lenfant est nee deis les espousels donques il serra dit lenfaunt le baron mesq; il fuit nee forsque vn iour apres les espousels solempnes.

Burglary est quát vn debruser & entra en le meason vn auter en le nuicte a lent tent pur embloier biens en quel case mesque il ne importa ryens vncore il est felony, et pour ceo il serra pendu, mes le debruser de meason en

of the first husband. But if she were pryuily wyth chylde at the tyme of the death of her first husbād, thā he shalbe said ꝑ child of the secounde husband.

Also if a manne take a wyfe whych is greate wꝺ chylde wyth an other ꝑ was not her husbande & after the chylde is borne wꝺin the espousels then he shalbe said the chylde of the husbande, thoughe it were borne but one day after the espousels solempnised.

¶ Burglary is when one breaketh & entrethe intoanother mans house in the night to the entent to steal goods, in whych case though hee beare away nothing, yet it is felonye. And for that hee shalbe hanged, but the breakinge of an house

in

in the daye, for suche intentes is no felony.

¶ Capias, looke for that after in the Tytle Proces.

¶ Champertye is a writt and it lyeth where .ij. men bee impleding & one gyueth the halfe or parte of the thing in plee to a straũger for to maintayne hym agaynste the other, then the partye grieued shall haue this writ agatnst ỹ stranger.

¶ Charge is where a man granteth rent goyng out of any ground, & that if the rent bee behynd that it shalbe lawfull to him and his heirs & assignes to distrain til the rent be payde. This is called a rent charge, but if one graunt a rent charge out of the land of another & after purchase

le iour pour tyel entent nest poynt felonye.

Capias, vide de ceo apres en la tytle proces.

Champertie est vn briefe et gist lou ij. homes sont impledants & lun done la moitie ou parte del chose in plee a vn estraunge pour luy mayntener enconter lauter donques le partie greuie auera cẽ brief deuers lestrange.

Charge est lou vn home graunta rent issant hors del ascũ terre & que si le rẽt soyt arere que il list a luy & ses heires ou assignes a distrain tanqne le rent soit paie, cest appel vn rent charge mes si vn graunt vn rent charge hors del terre vn auter & puis

pur-

purchase m le terre le grant est voide.

Cessauit est vn brief & gist lou mon very tenaunt que tyent de moy certein terre ou tenements rendaunt certein rent per an & le rẽt est arrere nient paya per ii. ans & nul sufficient distres puit este troue sur le terre dõq; ieo auerer cẽ br' p que ieo recouera le terre, mes si le tenant vint in court deuant ingem̃t done & rend' les arrerag. & les dam̃ et troue suerte q̃ il ne cessera plus de paim̃t de dit rent ieo serra compel de prẽder les arrerag. et les dam̃ et dõq; le tenant ne perdera le terre. Auxy le heire ne puit maintener cel br' pur cesser fait en temps son aũcestour, auxi cẽ brief

Lande, the graunte is voyde.

¶ Cessauit is a writte & it lieth where my very tenant which holdeth of me certeine landes and tenementes yelding certeyne rent by the yeare & the rente is behinde not payde by. ij. yeares & no sufficient distres may be founde vppon the lande, thã I shal recouer ẏ lãd, but if the tenãt cõe into ẏ court before the ingemẽt giuẽ & tend the arrerages and the damages & finde suertie ẏ he shall cesse no more in paymẽt of ẏ said rent I shalbe cõpelled to take the arerages & the dammages and then the tenaunt shall not lose the lande. Also the heire may not maintaine this writt for the cesser made in the time of his auncestour:

also

also this writ lyethe not but for annuel seruice as rent and suche other and not for homage & fealty.

¶ There is also another writ called cessauit de cãtaria, and it lieth wher a mã giueth lãd to an house of Religion to find for his soule and his auncestours and his heires yearely a lamp in the church, or to saye deuine seruice, or som other thing, thẽ if ẏ said charge be not done in.iij.yeares, then the donour or his heires shall haue a writ against who soeuer is in that house after suche cessure.

¶ Challenge is where Iurours appeere for to trie any yssue, yf any e of the parties suppose that they are not indifferent, then theye maye them Challenge and refuse.

ne gist mes pur anuel seruice cõe rẽt et huiusmodi et nient pas pur homage et fealte

Auxi il y ad vn. auter brief appel Cessauit de cantaria et gist ou vn done terres a vn meson de religion a trouer pur lalme de luy et de ses ãcestors et de ses heirs ánuelmẽt vn chaundel. láp in esgl' ou pur faire as cũ deuine seruice ou auter chose dõq; si les ditz charges ne sount pas fait per iii. ans dõques le donor ou ses heires auera cest br' vers quecũq; que est eins apres tiel cesser.

Challenge est lou iurrours apperõt pur trier ascun issue si ascun des pties supposont q̃ ils ne sont pas indifferent donq; ilz poient eux chalẽge et refuse

Mes

Mes sont diuers challenges, vn est challenge al array et lauter a le polles. Challẽge al array est quãt la panell est fauourablement fait par le vi cont ou auter officer Challenge par le polis, ascuns sount principal, et ascun p cause Principall est come adire que vn des iurrours est le fits, frere ou cousine al pleintif ou def. ou tenaunt a luy, ou que il auoit es pouse la file le pleintife, et pur ceux causes il serra retrayt.

Auxi in plee de mort de home & en chescun action reall & auxi in chescun personell si le dett ou dammages amount a. xl. marke il est bon challenge que il ne puit dispender xl.s. per an

But there bee dyuers challenges, one is challenge to the arraye, and the other to the polles. Challenge to tharray is when the panel is fauorably made by the shirif or other officer. Challenge by the poles, some are principall, and some by cause. Principall is as to saye that one of the Juroures is the sonne, brother, or cosen to the pleintife, or defendant, or tenant to him, or ẏ he hath espoused the daughter of the pleitif: and for those causes hee shalbee wõrawen. Also in a plee of ẏ death of a man, & in euery other action reall, & also in euery personel, if the dett or dãmages amount to xl. markes it is a good challenge that he cannot dispende xl.s. by

the

the yere of free holde. Also challenge by cause, is as where the partye dothe alledge a matter whiche is no principall challenge, as to say that the sonne of one of the Jurrours hath espoused the daughter of the plein tife, then he shall cõclude & therefore he is so fauorable, then it shalbe tryed by others of thẽquest if he be fauourable or indifferent, and if they say that he is fauorable and not indifferent, then hee shalbee drawen out, otherwyse hee shall bee sworne. Also a felon that is arraigned, maye challenge xxxv. iurrours par emptorye without anye cause, and as many as he will with cause, but then it shalbe tryed if for such cause he be indifferent or not.

de franktenement. Auxi challenge per cause, est come ou le party allege vn matter que nest principall challenge come adire que le fites vne des iurroures ad espouse la file le pl' dõques il concludera, & pur ceo il est issint fauourable, donq; il serra trye per auter del enquest si soit fauourable ou indifferent, & si ils diont que est fauourable & nemye indifferent donques il serra tret, autermẽt il serra iure. Auxi vn felon que est arraine, puit challenge xxxv. iurrours paremptory sauns ascun cause & taunt que il voil oue cause, mes donques il serra trye si pur tyel cause il soit indifferẽt ou nemy.

Cer-

Cerciorare est vne briefe et gist lou vne est impled'en vn base court que est de Recorde, & il suppose q̃ il ne puit auer egall iustice la dõques sur vne bill in la Chauncerie comprisant ascun matter in conscience, il auera cest briefe pour remouer tout le recorde en la Chancery, & la deste determyne per conscience, mes sil ne ꝓua son bill, donques lauter parte auera vn briefe de Procedendo a demaunder la recorde en la basse courte, & la deste determine. Auxi il gist en plusoures auters cases pour remouer recordes pour le roy, come inditements & auters.

Certificatio Assisse

¶ Cerciozare is a writ and it liethe where one is impleaded in a base court, that is of recorde & he supposeth that he may not haue egal iustice ther then vppon a bill in the Chauncerye comprysing som matter of conscięce, he shall haue this writte to remoue all the recorde into the Chauncery, and there to bee determined by conscience, but yf hee proue not his byll, then ỹ other partye shall haue a writte of procedendo to send agayn the Recorde into the basse court, and there to bee determined. Also it lyeth in many other cases for to remoue Recordes for the kynge as inditementes and other.

¶ Certificacion of as-

ſiſe of nouel diſſeyſin is a writt, and lyeth where the Bayliffe of the tenãt pleadeth no wrong &c. & loſe ther by the Aſſiſe, then if the tenant haue a releaſſe or other writing to pleade, hee ſhall haue this writ, and the firſt iurrours ſhalbee warned to appeare before the Juſtices and parties alſo, then if it maye bee found that the releaſſe, or the writtings are true and good, hee that recouered in the aſſiſe ſhall yelde double damages, & ſhall loſe the lande.

noue diſſeiſine, eſt vn briefe & giſt lou le baylyffe le tenaunt plede nul tort &c. et parde per laſſiſe, donques ſi le tenaunt ad vne releaſe ou auter eſcript a pleder il auera ceſt briefe & les primyers iurroures ſerrount garnes dapperer deuaunt les iuſtices & parties auxy, donques ſi puit eſte troue que la releaſe ou leſcriptes ſount voier & bones, celuy qui recoueroit in laſſiſe, rendra damages en double, & perdra la terre.

¶ Chymin is the hye waye where euerye man goethe, whiche is called via Regia, but the kynge hathe no other thynge there, butte the paſſage for hym and hys people,

Chimen eſt le haut voye ou cheſcũ hõe paſſa, q̃ eſt appell via Regia, mes le Roye nad auter choſe la, forſq; le paſſage pour luy & pur ſõ people,

mes le franktenemēt demurt en le ſeigniour del ſoile & touts les profites creſſaunt la come arbres & auters choſes.

Conſuetudinibus & ſeruicijs eſt vne briefe, et giſt lou ieo ou mes auncestoures depuys la limitation de aſſ. ne fuimus ſeiſi des cuſtomes ou ſeruices mon tenaunt. Mes deuant donques pur recouer les ſeruices, ieo auer cē brief. Auxy le tenaunt puit auer ceſt briefe vers ſon ſeigniour, mes apres que le tenaunt ad count le ſeygnior defend' les motes del count et repliant dira, que il ne diſtreigñ pur les cuſtoms dont le count eſt, & donques il countera tout le count des cuſtōs et

but the free holde abydeth in the Lorde of the ſoyle, and all the profyte growing there, as trees and other thinges.

¶ Cuſtome and ſeruices is a wryte, and lyeth where I or my auncestoures after the limitacion of aſſiſe, were not ſeiſed of the cuſtomes or ſeruyces of my tenaunt, but before then for to recouer the ſeruyces I ſhal haue this wryte. Alſo the tenaunt may haue thys wryte againſt his Lorde but after that the tenant hath declared, the Lorde ſhall defend the woords of the declaracion, and replying ſhall ſaye, that he diſtreyned not for the cuſtomes wherof the declaration is, and then he ſhall declare all the declaration of cuſtomes &

ſeruí-

seruices, and then the tenaũt who was plaintife, shal become defendaunt, and shall defende by battayl or great assise.

¶ Continual clayme is where a man hath right to enter in certayne landes where an other is seysed in fee simple or fee taile, and hee dare not enter for feare of beatinge, but approcheth as nighe as hee dare, and maketh clayme thereto wythin ỹ yeare and daye before his deathe, if hee that hath ỹ landes dic seysed, & his heire in bye discente, yet hee that maketh suche clayme may enter vppõ the heire, notwithstanding suche discente, for ỹ that hee hath made suche contynuall clayme, but it behouethe that suche

seruices, & dõques le tenaũt que fuit actor deuiendra def. & defendra per bataile ou graunde assise.

Continuall clayme est, lou hõe ad droite dẽtre en certain terre dount vn auter est seisye en fee simple ou fee taile, & il ne osast entre pur dout de baterye, mes approche auxi pres come il osast, & fayt clayme a ceo deins lan & iour deuant le mort si cestuy qui ad la Terre deuie seisy, & son heire eins per discent, vncore cestuy que fait tiel clayme puit enter sur lheyre, nient contristeant tiel discent, pur ceo que il ad fait tiel continual claime, mes il couient q̃ cest

claime touts foits soit fait deins lan & iour deuaunt le mort le tenaunt, car si le tenant murrust seisye deyns lan & iour apres tyel claym fait & vncore il nosast enter, donq; il couient a cesty qui ad tiel droit de fayre auter clayme deyns lan & iour apres le primer clayme, & apres tyel secounde claim̃ de fair le tierce claim̃ deins lan & iour si il voet este suer de sauer son entre, mes si vn disseisor deuye seisye deins lan & iour ap̃s le disseisin & nul claim fait, donq; lentre le disseisy est toll, car lan & le iour ne serra prise de temps de tytle Dentre a luy accrue, mes tauntso-

clayme alwaye be made within the yeare and the daye before the death of the tenant, for if suche a tenaũt dye seised within a yere and a day after suche claime made and yet he dare not enter, than it beehoueth hym that hath suche righte to make an other clayme within the yere and daye after the firste claime, & after such a second claime, to make the thirde clayme within the yere and daye, if he wilbe sure to saue hys entre, but yf a disseisor dye seised wͤin the yere & daye after the disseisin, and no claime made, thã ẏ entre of the disseisie is taken away, for ẏ yere and daye shall not bee taken from the tyme of the tytle of the entre to him growẽ,

but onely from the tyme of the firste clayme by hym made as is afore-saide.

¶ Conusaunce of plee is a priuiledge that anye citie or towne hath of the kynges graunte to holde plee of all cõtractes, and of landes, within the precinct of the fraunches, & whē any man is impleaded for anye suche thinge in the Courte of Westminster, the maire and bayllifes of suche fraunches may aske conusaunce of the plee, that is to saye, that the plee and the matter shalbee pleded & determined before them. Also conusaunce lyethe not in prescription, but it beehoueth to shewe the kynges letters.

lement de temps del primer claim per luy fait come est auauntdit.

Conusaunce de plee est vn priuilege que ascũ citie ou vill ad del graunt le roye de tener plee de toutes contractes, & des terres deins le precinct del franches & quaunt ascun home est implede pur ascũ tiel chose en le court de roye, que les maires ou bailifes de tyel fraunches poyent de maunder conisaunce del plee. s. que le plee & le matt' serra pled' & determine deuant eux. Auxy conusauns ne gist en prescription, mes ils couyent mõstre letters le roy.

Conſpiracie eſt vn brief, et giſt lou deux ou pluſours que ſen tailerent per ſeremẽt, couenaunt, ou auter manner aliaunce que cheſcun aydera auter pur inditer ou appellar aſcun home de felony, donques celuy qui eſt per tiel maner endite ou appell, auera ceſt briefe, mes ceſt briefe ne giſt vers les inditours.

Colluſiõ eſt lou vn action eſt porte vers vne auter per ſon agrement demeſne, ſi le pleintife recouer, tiel recouerye eſt dit per colluſion.

Comen eſt le droyt que home ad de mitter ſes beaſtes a paſture, ou de vſer & occupier le terre q̃ neſt ſon proper ſole.

¶ Conſpyracye is a wryte, and it lyethe wher two, or moze that knytte themſelfe together by othe, couenãt or other maner of aliaunce, that euerye one ſhall helpe other for to endyte or to appel anye man of felonye, and hee that is by ſuche maner endited or appelled, ſhall haue this wryt, but this wrytte lyeth not agaynſte the inditoures.

¶ Colluſion is, where an accion is broughte againſte another by his owne agreemente, if the plaintife recouer, than ſuche recouery is called by colluſion.

¶ Commen is the righte that a mã hath to put hiz beaſtes to paſture, or to vſe & to occupy the groũd that is not his owne.

Alſo

Also there bee diuers comens, that is to saye cõmen in grosse, commen appendaunte, comen appurtenaunt, and commẽ because of neighbourhod. Commen appendaunte is where a man is seysed of certayne lande to the whiche he hath commen in an others grounde all they that shall bee seysed of that lande shall haue the sayde commen with all manner of Beastes, whiche composseth hys lande, excepte geese, goses, and hogges. Comen in grosse is, where I by my deede graũte to an other that he shal haue cõmen in my lande. Commen appurtenaunt is in the same maner as commen appendant, but it is w̃ all maner of beastes.

Auxi sount dyuers comens .s. comen in grose, comen appendaunt, & comen appurtenaunt, & comẽ per cause de visinage Comen appendaunt est lou home est seysie de certeyne terre a que il ad comen in auter soyle & toutes ceux que serrount sei sye del dit terre auerount le dit commen ouesque touts bestes que compost.sa terre except oysons, chyuers, & porceaux. Comen in grose est lou ieo per mon fayt grant a vn auter que il auera comen in ma terre. Comen appurtenãt est in mesme le maner cõe comen ap pẽdãt mes est ouesq; touts mañs des auers.

Conſpiracie eſt vn brief, et giſt lou deux ou pluſours que ſen tailerent per ſeremẽt, couenaunt, ou auter manner aliaunce que cheſcun aydera auter pur inditer ou appellar aſcun home de felony, donques celuy qui eſt per tiel maner endite ou appell, auera ceſt briefe, mes ceſt briefe ne giſt vers leu ditours.

Colluſiõ eſt lou vn action eſt porte vers vne auter per ſon agrement demeſne, ſi le pleintife recouer, tiel recouerye eſt dit per colluſion.

Comen eſt le droyt que home ad de mitter ſes beaſtes a paſture, ou de vſer & occupier le terre q̃ neſt ſon proper ſole.

¶ Conſpyracye is a wryte, and it lyethe wher two, or moze that knytte themſelfe together by othe, couenãt or other maner of aliaunce, that euerye one ſhall helpe other for to endyte or to appel anye man of felonye, and hee that is by ſuche maner endited or appelled, ſhall haue this wryt, but this wrytte lyeth not agaynſte the inditoures.

¶ Colluſion is, where an accion is broughte agaínſte another by his owne agreemente, if the plaintife recouer, than ſuche recouery is called by colluſion.

¶ Commen is the right that a mã hath to put hiz beaſtes to paſture, or to vſe & to occupy the groũd that is not his owne.

Alſo

Also there bee diuers comens, that is to saye cõmen in grosse, commen appendaunte, comen appurtenaunt, and commẽ because of neighbourhod. Commen appendaunte is where a man is seysed of certayne lande to the whiche he hath commen in an others grounde all they that shall bee seysed of that lande shall haue the sayde commen with all manner of Beastes, whiche composteth hys lande, excepte geese, goates, and hogges. Comen in grosse is, where I by my deede graũte to an other that he shal haue cõmen in my lande. Commen appurtenaunt is in the same maner as commen appendant, but it is w̃ all maner of beastes.

Auxi sount dyuers comens .s. comen in grose, comen appendaunt, & comen appurtenaunt, & comẽ per cause de visinage Comen appendaunt est lou home est seysie de certeyne terre a que il ad comen in auter soyle & toutes ceux que serrount sei sye del dit terre auerount le dit commen ouesque touts bestes que compost. sa terre except oysons, chyuers, & porceaux. Comen in grose est lou ieo per mon fayt grant a vn auter que il auera comen in ma terre. Comen appurtenãt est in mesme le maner cõe comen ap pẽdãt mes est ouesq; touts mañs des auers.

Comen per cauſe de viſinage eſt lou les tenants de deux ſeigñs que ſount ſeiſies de deux villes dont lun giſt pris lauter & cheſcun de eux ount vſe de temps dount memorye ne court de auer comen en auter ville oueſque toutes beaſtes cominable.

Confirmation eſt quant vn fait vn fait a vne auter oueſque ceſtes pols ratificaſſe, approbaſſe, & confirmaſſe & en aſcũ caſe vn fait de confirmac' ſerra bone & auailable lou vn releas ne ſerra auailable come ſi ieo fait leſſe a vne pour terme de ſa vie le quel leſſa la terre a vn auter pur term de xl. ans, & ieo cõfirme

¶ Commen by cauſe of neighebourhode is wher the tenauntes of two lordes, whiche be ſeyſed of two townes where one lieth nighe another, and euery of them haue vſed from the tyme, whereof no mynde renneth to haue comen in the other towne, with all maner of beaſtes comonable.

¶ Confirmacion is whē one maketh a deede to an other with theſe wordes, ratificaſſe, approbaſſe, & confirmaſſe. And in ſome cas a deede of cõfirmacion ſhall bee good and auailable where a releaſe ſhall not bee auaylable, as yf I make a leaſe to one for terme of his lyfe, who leaſeth ȳ lãde to another for termo of xl. yeres, & I confirme the

the state of the tenaũt for terme of yeares, & after ỹ tenaunt for terme of life, dieth during the terme of xl. yeres, this confirmaciõ shalbee good to him during that yeres, but in suche case yf I releasse to the tenaunte for terme of yeares my releasse is voi de bycause there is noe pryuitye betwene mee and him. And ỹ same maner is if I bee disseised, & the disseysoure maketh a leasse for terme of yeares, yf I releasse to the termor thys is voyde: but yf I confirme to hym his estate, this is good to him & effectual. Also if I be disseised & I cõfirme ỹ estate of ỹ disseisor wõut other woordes, as to say to him for termñ of life or i fee &c. yet he hath by my

lestate le tenãt a term dans & puis le tenant pur terme de vie moruſt durant le terme de xl. ans ceſt confirmation ſerra bone a luy durãt les ans, mes en tiel caſe ſi ieo releaſe al tenant a term dans mon releaſe eſt void, pur ceo que nẽ priuitie inter moy & luy. Et meſme le mañ eſt ſi ieo ſoy diſſeiſye & le diſſeiſor fait vn les pur terme dans, ſi ieo releſſa al termour ceo eſt voide, mes ſi ieo confirme a luy sõ eſtate ceo eſt bone a luy, & effectual, auxi ſi ieo ſoye diſſeiſie & ieo cõfirme leſtate le diſſeiſor ſãs aut' pols cõe adire a luy pour term de vie ou en fee &c. vnc̃ il ad per mõ

confirmation droitle estate in fee simple pur ceo q̄ le disseisor auoit fee siple al tēps de confirmation, car chescun disseisour ad fee simple mesq; q̄ il nest droitel. Auxi si ieo lesse terr'a vn pur terme de sa vie, & ieo confirme son estate a aū & tener son estate a luy & ses heires cest confirmation quant a ses heires est voide. Mes si ieo dire a auer & tener mesmes les terres a luy & ses heires cest confirmacion donera a luy vne fee simple pur ceo q̄ ces parols va a le terre & nemy a lestate & pur ceo il est bon en chescun fait de confirmacion dauer les pols a auer & teñ les terres.

confirmacion a rightfull estate in fee simple, beecause that the disseisoure hath fee simple at the tyme of the confirmacion, for euerye disseisour hath fee simple although it be not rightefull. Also yf I leasse lande to one for terme of his lyfe, and I confirme his estate to haue and holde hys estate to him and hys heyres, this confirmacion as to his heyres is voyde, but if I saye to haue and holde ỹ same lande to hym & hys heyres, this confirmatiō shall geeue to hym a fee simple, because that these woordes go to the lande, & not to the state, & therfor it is good in euerye dede of confirmacion to haue those woordes to haue & hold the landes.

Conter

¶ Conterplee is where one bringethe an accyon and the tenaunte in his aunſwere and plee vouchethe or calleth for anye man to warraunt his title or prayeth in ayde of an other, whiche hathe better eſtate then hee, as of hym that is in the reuerſion, or if on that is a ſtraunger to the accion, come and praye to be reſceyued to ſaue his eſtate, if the demandaunt reply therto, and ſhewe cauſe that hee oughte not ſuch one to vouche, or that he oughte not of ſuche one to haue ayde, or that ſuche one oughte not to bee reſceyued, this plee is called a counterple.

Counterplee eſt lou vn port vn action & le tenaunt en ſon reſpons & plee vouche, ou appell pour aſcun home pour garraunt ſon tytle ou prayer ayde de auter que ad meliour eſtate come de ceſty en la reuerſion ou ſi vn eſtráge al action vyent & praiera deſte reſceu de ſauer ſon eſtate ſi le demaunde replye a ceo & mõſtre cauſe que il ne doyt tyell home voucher ou que il ne doyt de tyel home eyde auer, ou que tyel home ne doyt eſte reſceu ceſt plee eſt appell vn cõterplee.

¶ Conſultation, looke therefore after in the

Conſultation vide de ceo apres titulo pro-

prohibition.

¶ Contributione facienda, est vn briefe & gist lou sount diuers parceners & celuy q̄ ad launcient parte fait tout le suit al seignior les auters doyēt faire contribution a luy & sils ne vollont il auera vers eux le dit briefe.

Contract est vn bargen ou couenant per enter ij. parties ou ascū chose est don pur auter q̄ est apell quid pro quo. car si vn hōe fait promise a moy q̄ ieo auera xx.s. & que il voit este det a moy de ceo & puis ieo demaunde le xx.s. & il ne voile a moy delyuer vncore ieo naueraiammis action pur recouer ceste xx.s. pur

title of prohibicion.

¶ Contributione faciendа is a writte, and lyethe where there are diuers parceners, and he which hathe the auncient parte doth make al the suite to the Lord, the other ought to make contribucion to hym, and yf theye will not, hee shall haue agaynste them the sayde writte.

¶ Contracte is a bargayne or couenant betwene two parties, where one thinge is geeuen for another, whiche is called quid pro quo, for yf a mā make promise to me that I shal haue xx.s. & that he will bee dettour to mee thereof, and after I aske the xx.s. and hee wil not deliuer it, yet I shall neuer haue no accyon for

for to recouer this xx.s. for that that this promise was no contracte but a bare promise. Et ex nudo pacto non oritur actio: but if anye thynge were geuē for the xx.s. though it were not but to the value of a peny, thē it was a good contracte.

¶ Contra formam feoffamenti is a writte, and it lyethe where a man before the statute of quia emptores terrarum infeft sith an other by deede to doe certayne seruice, yf the feffoure or his heires distrayne hym to doe other seruice than is comprysed in the deede, than the tenaunte shall haue thys writte, commaundinge hym that he distraine not hym to doe other seruice that is not

ceo que ceſt promyſ ne fuit contract, mes nudus pactus. Et ex nudo pacto non oritur actio, mes ſi aſcū choſe fuit don pour le xx.s. meſque il ne fuit forſque al value de vn denire, donq; il fuit bon contract.

Contra formam feoffamenti eſt vne briefe & giſt lou vne home deuaunt leſtatute de quia emptores terrarum infeoffe auter per fait de faire certeyne ſeruyce ſi le feoffour ou ſes heires diſtraine luy de faire auter ſeruice que eſt compriſe en le fayt, donq; le tenant auera ceſt brief luy commaundant q̄ il ne diſtrain luy de faire auter ſeruice q̄ neſt cō-

priſe

prise deins le fait mes ceſt briefe ne giſt pur le pleintife que claim per pourchaſe, mes pour le pleintife, que claime come heires al primier feffe.

Contra formā collationis eſt vn briefe & giſt lou home don terres en perpetuall almoigne a aſcū mea ſon de religion come a vne abbe & la couent ou auter ſoueraigne, & ſon couent dē trouer certein power homes ou de fair auter certeine deuine ſeruice ſils alyen les terres donques le donour ou ſes heires, auerōt le dit briefe pur recouer le terre mes ceſt brief ſerra touts foits port vers labbe ou ſon ſucceſſour &

priſed within the deede, but this writte lyeth not for the plaintife whiche claymeth by pourchaſe, but for ỳ plaintife which claymeth as heyre to the firſt feffe.

¶ Contra formam collacionis is a writ, and it lieth wher a man geueth landes in perpetuall almes to anie houſe of Religion, as to an abbot, & to the couente or other ſouerayne, and his couent to finde certayne poore men, or to doe other deuine ſeruice, yf theyr alien the landes, then the donour or his heires ſhall haue the ſayde writte for to recouer the lande, but thys writte ſhallbee allwaye brought againſte the Abbot or his ſucceſſour and not againſt the aly-

aliene, although that hee be tenaunte, but in all other actions where a mã demaundeth frecholde, ỳ writ shalbee broughte against the tenant of the land.

¶ Cosinage is a writ, & it lieth where my greate graundfather, my graũd fathers graundfather or other cosine dieth seised in fee simple, and a straũger abateth, that is to saye, entereth into the Landes, than I shall haue against him thys writte, or agaynste hys heyre or his aliene, or agaynste whosoeuer that cometh after to the sayde landes, but if my graũdfather die seised, and a straunger abatheth, than I shall haue a writte of Ayle, but if my father, mo

nemy vers lalyen coment que il soit tenaunt, mes en toutes auters actions lou home demande frãk tenement, le brief serra port vers le tenant del terre.

Cosinage est vne briefe & gist lou mõ besaiel, tresaile, ou auter cosin deuie seisye in fee simple, et vne estraunge abata.s. entre en les terres donques ieo auera vers luy cest briefe, ou deuers son heire ou son alyen, ou deuers quecunque que aueigne apres a les dites terres, mes si mon ayel deuye seisie, & vne estraunge abate, donques ieo auera vne briefe de Ayel, mes si mon peere, meere, frere,

frere,ſore, vncle, ou aunt, deuie ſeiſye & vne eſtraunge abata, dõques ieo auera vn Aſſiſe de mortdaunceſter.

Couenaunt eſt agreement fait parenter ii. perſonnes, lou cheſcun deux eſt tenus al auter de perfourmer certeine couenauntes pour ſon parte. Auxi il eſt vne briefe de Couenant, & giſt lou couenant eſt fait parenter deux per indẽtures enſẽales,& lun deux ne tyent pas couenãt, mes infre int,donques celuy qui ſe ſent greue, auera le dit brief. Et nota,que nul brief de Couenant ſerra maintenable ſauns eſpecialtie, ſinon in la citie

mother,brother,ſiſter,vncle or aunt,dye ſeiſed and a ſtraunger abateth, thã I ſhall haue aſſiſe of mor dauncester.

¶ Couenaunt is agreement made betwene.ij. perſones where euerye of them is bounden to the other to performe certaine couenauntes for his parte. Alſo there is a writ of Couenant, and it liethe where couenant is made betwen two by indentures vnſealed , & the one of them holdethe not his couenãt but breaketh it , than hee whiche thereof feeled hymſelfe greued ſhall haue thys writ. And note well,that no writ or couenant ſhal bee maintenable without eſpecialtye,but in ỹ Cytye of London, or in other

other ſuche place p̃iuile-ged, by the cuſtome and vſe.

de Loundres ou en auter tiel lieu priuy-lege per la cuſtom & vſe.

¶ Cui in vita ſe a writte and it lyeth wher a man is ſeyſed of Landes in fee ſimple or fee tayle, or for terme of lyfe in the righte of hys wyfe, and alienethe the ſame land and dyeth, then hee ſhall haue the ſaide writte for to recouer the Lande. And note well that in thys writte hee ſhall make tytle yf it bee of the purchace of the woman, or of the heritage of the woman. But yf the huſbande aliene the righte of hys wyfe, and the huſbãd and the wyfe dyethe, the wynes heyre maye haue a writte of Sur cui in vita.

Cui in vita eſt vne briefe, & giſt lou home eſt ſeiſi des terres in fee ſimple, ou fee tayle, ou a terme de vye in droit ſa fẽe & alien meſme la terre & deuye, donques ele auera le dit briefe pour recouer le terre Et nota que en ceſt briefe il fra tytle ſi ſoyt de pourchaſe la femme ou del herytage le femme. Mes ſi le Baron alyen le droyt ſa femme, & le baron & la femme deuyount, le heyre la femme auera vne briefe de Sur cui in vita.

Cui

Cui ante deuorcium eſt vn brief & giſt en ſemble maner quant tiel alienation eſt fait per le baron, et puys deuorce eſt ewe inter eux donques la femme auera cē brief & le briefe dirra, cui ipſa ante deuorcium contradicere non potuit.

Curteſie Dengleterre eſt, lou hōe prēt feme ſeiſie in fee ſimple, ou en fee tayle generall, ou ſeiſie cōe heire de la taile eſpeciall, & ad iſſue per la feme male ou female ſoit liſſue apres mort ou en vie, ſi la feme deuié, le baron tyendra la terre durant ſa vié per la ley Dengleterre, & eſt appell tenant per le curteſy den-

¶ Cui ante deuorcium is a writt, and it lyeth in like maner when ſuche alienacion is made by the huſband, and after deuorce is had betwene them, than the woman ſhal haue thys writ, and ꝯ writ ſhal ſay, to whom ſhe before the deuorce myghte not withſaye.

¶ Courteſie of England is, where a man taketh a wyfe ſeyſed in fee ſimple, or in fee tayle generall, or ſeyſed as heyre of the tayle eſpeciall, and hathe iſſue by the wyfe, male or female, bee the yſſue after dead, or in lyfe, if the wyfe dye, the Huſbande ſhall holde the Lande durynge hys lyfe, by the Lawe of Englande, and it is called tenant by the curteſy

of

of Englād, because that this is not vsed in noe other realme but onely in England. And some say that he shal not bee tenāt by the curtesye, vnlesse ẏ the childe which he hath by his wife, bee heard crye, for by the crye is the prooфe that the child was borne.

¶ Darrain presentment looke therefore after in the tytle Quare impedit.

¶ Deuyse is where a manne in his testament geeueth or bequeauethe hys gooddes or hys landes to another after hys decease. But if a manne be sole seysed of landes in his demesne as of fee, & deuise ẏ lands by testamēt, this deuise is voide,

Dengleterre, pur ceo que c̄ nest vse en nul auter roialm̄ forsque tantsolement en Engleterre. Et ascūs dyt q̄ il ne serra tenant p̄ le curtesye, sinon que lenfant que il ad per sa femme, soite oye cry, car per le crye est le proofe que lenfant fuit nee.

Darraine presentment, vide ceo apres titulo Quare impedit.

Deuyse est, lou vn home en son testam̄t doñ ou graunta ses biens ou ses terres a vn auter aps sō decease. Mes si home soit sole seysi des terres en sō demesn̄ come de fee, & diuisa les terres per son testament, cest deuise est voyde, sinon

que les terres ſont en vn Citie ou borough lou terres ſont deuiſable per cuſtom mes ſi aſcun ſoit feoffe al vſe de vn auter & ſes heires,& ceſty a que vſe il eſt ſeiſie fayt deuiſe de ſes terres,ceſt deuiſe eſt bone, meſq̃ il ne ſoit en vill lou terres ſoite deuiſible. Auxi ſi aſcun hõe deuiſa terre en Cytye, vil,ou borough deuiſable, & le deuyſour deuie,ſi ſon heire ou aſcun auter abate en les terres, donque le deuiſe auera brief de Ex graui q̃rela , mes ceſt brief ne ſerra iãmes pled' deuaunt le iuſtice le roy,mes toutes foites deuaunt le maire ou les bailif en le dit ville . Auxy ſi home deuiſa bñs a vn

but if the landes bee in a cytie or borough where landes bee deuysable by cuſtome , but if any man be feoffe to the vſe of another and his heires , and he to whoſe vſe hee is ſo ſeiſed make deuiſe of his lands, this deuiſe is good thoughe it bee not in a towne where landes bee deuiſable. Alſo if any mã deuyſe landes in Citie towne or borough deuiſable, and the deuiſoure dyeth, if his heire or anye other abate in the lands thẽ the deuiſe ſhall haue a writ de Er graui querela , but this writ ſhall neuer bee pleaded before the kings iuſtice but alwayes before the mair or bailifs in ẏ ſame towne. Alſo if a mã deuiſe goodz to another & maketh his

execu-

executors & diethe, & the executour will not delyuer the goodes to the deuise, ỹ deuise hath no remedy by ỹ cõmen law in the kings court, but it behoueth hym to haue a citacion against the executours of ỹ testator, to appere before ỹ Ordinarie to shew why he performeth not the will of the of the testatour. Also, yf a man deuise all his landes & tenements that he hath, a reuersion passeth by these wordes, tenemẽtes. Also if lands be deuised to a man to haue to him for euermore, or to haue him & his assignes, in these. ij. cases ỹ deuise shal haue a fe simpl. But if it be geuen by feoffemẽt in such mañ he hath but an estate for term of life.

auter & fait ses executors & deuie, et les executours ne voil deliuer les byens a le deuise, le deuise nad remedy p le cõen lei en court le roy, mes il couyent de aũ citacion vers les executors le testator dapperer deuãt lordinary de mõstre pur quoy il ne pformẽ le volũte le testator. Auxi si hõe deuisa touts ses terres et teñts q̃ il ad, vn reuersiõ passa p ces parolz teñtes. Auxy si terres sont deuise a vn hõe a auer a luy imppetuum, ou a auer a luy et a ses assignes: en ceux deux cases le deuyse auera fee simple, mes si soyte doñ per feoffement en tiel mañ il nad forsq; estate pur terme de vie.

Denizin eſt lou alien deuient le ſubiect le roy & obteyne les letters patents le roy pur enioyer touts priuileges come vn hõe engleis, mes ſi vn ſoit fait denizin, il payera cuſtoms, & diuers autres choſes come alyens, come appiert per diuers ſtatuts de ceo faites.

Decies tantum eſt vne briefe, & giſt lou vne iurrour en aſcun enqueſt pryſt argent dun partye ou dauter, pur doñ ſon verdit, donques il payera x. foites a tant que il ad reſceiue. Et cheſcun que voile ſuer auera la action & auera lune moytye, & le Roye lauter moytye, mes ſi le Roy en tyel caſe releas per ſon

¶ Denyzin is where an alyon becommethe the kinges ſubiecte and obteynethe the kinges letters pattentes for to enioye all priuileges as an Engliſhe manne, but if one bee made denyzen, he ſhal pay cuſtoms & diuers other thyngs as alyēs, as it appereth by diuers ſtatuts therof made

¶ Decies tantum is a writte, and lieth where a iurroure in anie inqueſt taketh money of the one parte or other for to geue hys verdyte, thenne hee ſhall paye tenne tymes as muche as hee hath receyued, and euerye one that will ſue maye haue the action & ſhal haue the one half & the king the other half. But if the king in ſuche caſe releaſe bye

hys

hys pardonne to ſuche a turrour, yet it ſhall bee noe barre agaynſte him that bringeth the action, but that hee ſhal recouer the other halfe yf hys action bee commenced beefore the pardonne of the kinge, but if the pardonne bee before anie action, it is a barre agaynſte all men. And the ſame lawe is of all other actions populers where one partye is to the kynge, and the other to the partye that ſueth. Alſo the inbracers whyche procure ſuch inqueſtes ſhall bee punyſhed in the ſame maner, and theye ſhall haue the pryſonmente of a yeare, but noe Juſtice ſhall enquire thereof of offyce, but onelye at the ſuite of the partie.

perdon a tyel iurror, vñc il ne ſerra barre vers ceſtuy que port laction, mes que il recouera lauter moity, ſi ſon action ſoit commence deuant le pardon le roye, mes ſi le pardon ſoit deuaunt aſcū actiō, il eſt barre encoūter touts gēts, & meſme le leye eſt de toutes accions populers lou vne parte eſt al Roye, & lauter al party que ſuera. Auxy les inbracers quy procurent tyelz inqueſt ſerrount punye en meſme le maner & ils auerounte priſonment de vn an mes nul Iuſtyce enquerount de ceo de offyce, mes ſolement al ſute del partye.

Departer eſt lou vn homeplede vn ple en barre & le playntyfe repli a ceo & il apres en ſon reioind' plede ou mõſtre auter matter contrary a ſon primer ple en barre, ceo eſt appel vn departer de ſon barre.

Det eſt vn brief & giſt lou aſcun ſomm̃ dargent eſt dew a vn p reaſon daccõpt, bargaine, contracte, obligacion ou auter eſpecialtie a payer a aſcun certayne ioure a quel iour il neſt paye donque il auera ceſt briefe, mes ſi aſcun ſom dargẽt ſoit dewe a aſcun ſeigniour per ſon tenant pur aſcun rent ſeruice le ſeigniour pour ceo nauera iammes action de det mes il couient toutes

¶ Departer is where a manne pledeth a plee in barre and the plaintif replieth thereto, and he after in his reioinder pleadeth or ſhewеth an other matter contrarye to hys firſt plee, ẏ is called a departer from his barre.

¶ Det is a writ and it lieth wher anye ſomme of moneye is due to a man by reaſon of accompte, bargaine, contracte, obligacion, or other eſpecialtie to be paide at a certaine daye at the whiche day hee payeth not, then hee ſhall haue this writ, but yf anie ſomme of moneye bee dewe to anye lorde by hys tenaunt for anye rente ſeruice, the lorde ſhall neuer haue action of dette. But hee bechooueth all waye to

diſtraine

distraine, but for rente charge or rente secke hee maye haue a good accyon of det & also for the arrerages of rent reserued vpon a leas for terme of yeares, & in these cases it is at his election to haue an action of det or for to distraine, but if the lesse bee determined then hee shall not dystraine after for that rent. But he behoueth to haue an action of det for the arrerages.

Diem clausit extremũ is a writte and it lyethe where the kinges tenant that holdeth in chiefe dyeth then this writ shalbe directe to the eschetour to enquire of what estate hee was seised and whoe is nert heire, & of the certaintie of ẏ lãd, & of what value the land is.

foits distrain̄, mes pur rente charge ou rent seck home auera bon action de det et auxy pour arrerages de rẽt reserue sur vne lease pur terme dans & en ceux cases il est a son election dauer action de dette ou pour distraine, mes si le lesse soit determyne donques il ne dystreiner apres pur cel rent mes couiẽt daũ vn acc̃ de det pur les arrerages.

Diem clausit extremum est vne briefe & gist lou le tenaunt le roy q̃ tient en chief murrust donque cest brief serra direct al eschetor denquerer de quel estate il fuit seysie, que est procheine heire, & de la certaintie del terre, et de q̃l value le terre est.

Diſclaim̃ eſt lou le ſeignour diſtrain ſon tenaunt & il ſewa repleuin & le ſeigniour auowa le priſe per reſō que il tient de luy, ſi le tenaunt dyt que il diſclayma de tener de luy, ceſt appel vn diſclaime & ſi le ſeignioure ſur ceo porte briefe de droit ſur diſclaime ſi ſoyte troue encounter le tenant il ꝑdera le terre.

¶ Diſclaymer is where the Lorde dyſtraynethe his tenaunt and hee ſhewethe repleuin and the lord auoweth the taking by reſon that he holdeth of him, if the tenant ſaye that hee diſclaymethe to holde of him, this is called a diſclaime and if the lorde thereuppon bringe a writ of righte ſur dyſclaimer if it bee found againſt the tenant, he ſhal loſe the land.

Diſſeyſor eſt celuy que miſt aſcun home hors de ſon terre ſãs order de lei & diſſeiſi eſt celuy q̃ eſt iſſint mis de hors.

¶ Dyſſeyſoure is hee whyche puttethe anye manne oute of his lande without order of the law & diſſeiſie is hee that is ſo put out.

Diſcontynuaunce eſt quaunt vn home alyen a vn auter terr' ou tenementes & murruſt & vne auter ad droit a meſme

¶ Diſcõtinuance is whẽ a mã alieneth to another lands or tenements and dyeth and another hathe right to the ſame landes

and

and maye not enter in them becauſe of thys alienacion, as if an Abbot alyen the landes of hys houſe to another in fee or in fee taile, or for terme of lyfe, or if a manne alyen the landes that hee hathe in the righte of his wyfe, or if tenant in the taile alien the lands geuen to him and to the heires of his body thē ſuche alienacions be called diſcontinuaunce, for ſuche eſtates paſſe alwaye bye liuery & ſeiſin, & in theſe caſes the ſucceſſour of the Abbot, or the woman after the deathe of her huſbande, or the iſſue in the taile after the deathe of ỹ tenant in the taile, maye not enter but euerye of them is put to his action. Alſo if tenaunt in the

les terres & ne puyt ẽter en eux per cauſe de cel alienacion, ſi come vn abbe alyen les terres de ſon meaſon a vn auter en fee, ou en fee tail ou pur terme de vy, ou ſi vn home alien les terres que il ad en droite ſa femme, ou ſi tenaunt en taile alyen les terres don a luy & a ſes heirs de ſõ corps, dõque tiels alienac̃ ſont appels diſcontinuãce, quar tiels eſtates paſſount touts foites per liuere & ſeiſin, & en ceux caſes le ſucceſſ. labbe, ne la feme aps le mort ſon baron, ne liſſue en le taile apres le mort le tenaunt en le taile ne poient enter, mes cheſcun de eux eſt mis a ſon action. Auxy ſi tenaunt

en

en le taile soit disseysi & il per son fait apres relessa al disseisour & a ses heyres toute le droit que il ad, il nest dyscontinuance, pur ceo que le tenant en le taile nad droit forsque pur terme de vie & riens de droit passa al disseisoure forsq; pur terme de vie le tenant en taile, & mesme le leye est si abbe ou hõe en droit sa fẽme soit disseisie & ilz relessont aps al disseisour, c̃ nest ascun discontynuaunce causa qua supra.

Auxi mesme le ley est si ascun tyel tenãt en le taile, abbe, ou home en droyt sa fẽme, fount lesse pour terme dans & puis relesse al lesse toute son droite tiel release ne

taile bee dysseised and he by his deede afterwarde releaseth to the disseisour and to his heires all the righte that bee hathe, it is noe dyscontinuaunce for that that the tenaunt in the taile hath no right but for terme of lyfe, and nothynge of ryghte passeth to the disseisoure but for terme of lyfe of the tenaunt in taile, and the same lawe is yf an Abbot or a man in the right of his wyfe bee dysseysed and they release after to ẏ disseisour, ẏ is no discõtinuãce, causa qua supra.

Also the same lawe is if anye suche tenaunt in the taile, Abbot, or man in the righte of his wyfe make a lease for terme of yeres & after release to ẏ lesse al hys right such release

leaſe maketh no dyſcontinuance.

Alſo if tenaunt in the tayle of an aduowſon, or of a commen in groſſe graunt the aduowſon or the commen to another in fee or for terme of life that is noe dyſcontynuance for that that of ſuch thynges whiche paſſeth by graunt and not by liuerie and ſeiſin nothyng paſſethe but the eſtate that the grauntour hath, but of ſuch thyngs which paſſeth by liuery and ſeiſyn ſuche eſtate paſſethe whiche is named at the time of the ſeiſin geuen.

¶ Diſceit is a writte and it is ſome tyme originall and ſome tyme iudiciall, but whenne it is originall it lyeth wher anye diſceite is doone to

fait aſcun dyſcontynuaunce.

Auxi ſi tenaunt en le tail de vn aduowſõ ou de comen ingroſe grant laduowſon ou la cõen a vn auter en fee ou pur terme de vie, cõ neſt aſcũ diſcõtinuance pur ceo que de tyels choſes q̃ paſſount p grant & nemy p liuere & ſeiſin riens paſſa forſq; leſtate que le grauntor ad, mes de tiels choſes que paſſount per lyuere & ſeiſin tyel eſtate paſſa q̃ eſt noſme p le ſeiſin done.

Diſceit eſt vn briefe & eſt aſcõ foits origynal & aſcõ foits iudicial, mes quant il eſt originñ gyſt lou aſcun diſceit eſt fait a aſcun home

home per vn auter iſ ſint que il nad ſufficient performe ſõ bargaine ou nyent performe ſon ꝓmiſe, dõques celuy que ẽ en tiel maner diſceiue auera ceſt brief.

Auxi quant ceſt brief eſt iudicial, il gyſt ou ſcire fac̃ eſt ſue hors de aſcun record vers vn & le vic̃ retourne que il eſt garny ou il ne fuyt garny ou lou vn Precipe quod red dat de ple de terre eſt ſue vers vn & le vycount retourne que il eſt ſommoñ lou il ne fuiſt ſũmoñꝑ quel dyſceyte & faux retourne le demaunde recouer le terre, donques le party greeue auera ceſt briefe vers ceſtuy que recouera ou vers le ſommoñs

a manne by another ſo that hee hathe not ſufficyentlye perfourmed his bargaine or not perfourmed his promis, thẽ hee that is in ſuche manner diſceiued ſhall haue this writ.

Alſo when this writte is iudicial, it lieth where a ſcire facias is ſued out of any record againſte a mã & the ſhirif returneth that he is warned where hee was not warned, or wher a precipe quod red dat of plee of landes is ſued againſt one and the ſhirife retournethe that he is ſũmoned, wher he was not ſũmoned by ỹ whiche diſceit & falſe retourne the demaundant recouereth ỹ land, then ỹ partie greued ſhall haue this writ againſte him ỹ recoue-

recouered or againſte the ſommoners, or againſte the ſhiriff, then the writ ſhall bee dyrected to the Coroners of the ſame countie.

¶ Demaundaunt is hee that ſuethe or complayneth in actyon reall, for title of lande, and hee is called plaintike in aſſyſe and in action perſonall as in an action of dette, treſpas, diſceit, detinue, & ſuch other.

¶ Defendaunt is he that is ſued in actyon perſonel, & he is called tenant in action reall.

Dyſtreſſe is the thing whiche is taken and diſtrayned vppon any land for rente beehinde, or for other hurte or duetye, howebeeit that the propertye of the thynge be-

ou vers le vyſcount, mes ſil ſoite ſue vers le vicont donque le briefe ſerra directe al coroner de meſme la countie.

Demaundant eſt celuy que ſue ou cõplayne en action reall pur title de terre, & il eſt appell playntife en aſſiſe & en accion perſonells come en actyon de dette, treſp, diſceit, detinue, & tyels ſemblables.

Defendaunt eſt celuy que eſt ſue en accion perſonel, & il eſt appel tenãt en action reall.

Diſtres eſt la choſe q̃ eſt pris & diſtraine ſur aſcun terre pour rent arrere ou pur auter tort ou duitie, cõmẽt que le property

del

del choſe ſoit perteinant al eſtrange, mes ſi ſont beaſts que perteinant avn eſtrãge, il couient que ſont leuant & couchant ſur meſme le terre. s. q̃ les beſts auoit eſte ſur le tarre p̃ c̃tayn ſpace q̃ ilz ont eux bñ repoſe ſur la terre, ou autrement ils ne ſont dyſtreinable. Auxi ſi vne diſtraine pur rent ou auter choſe ſauns cãe loyal, donque le party greeue auera vne Repleuin ſur ſuertye troue de purſuer ſon action, & aucrà la diſtreſſe a luy redeliuer Ideo vide de Repleuin apres, titulo Repleuin. Auxy ſount diuers choſes que ne ſoyte diſtreynable. s. le robe dauter home en le meaſon de vne

longeth to a ſtraunger, but if they be beaſts that belong to a ſtraunger, it behoueth ẏ they be leuãt & couchant vpon ẏ ſame ground, ẏ is to ſay, ẏ the beaſts haue ben vppon ẏ ground by certaine ſpace ẏ thei haue themſelf wel reſted vpon the ground, or els they be not diſtrainable. Alſo if õe diſtraine for rent or other thing wͭ out cauſe lawefull, then the partye greeued ſhall haue a repleuin vpon ſuertie found to purſue his action, & ſhall haue ẏ diſtreſſe to him delyuered againe, therefore loke of the repleuin afterwarde in the title Repleuin, Alſo there bee dyuers thinges whiche bee not dyſtreynable, that is to ſay another mans gowne in

the

the house of a ;tayler, or a clothe in the house of a fuller shereman, or weyuer, for that, that they be commen artificers, and that the commen p;esũption is, that suche things belong not to the artify;cer, but to other persons whiche put them ther to woo;ke.

Also vitaille is not distraynable, nor co;ne in sheues, but if they be in a carte, for that that a distresse oughte to bee alwaye of suche thynges whereof the Shirif may make Repleuin, and delyuer againe in as good case as it was at the tyme of the takynge. Also a manne maye dystraine for homage, fealtie, and escuage, & other serupces for fynes and

tailer, ou drape en le measõ vn fuller, shereman, ou weyuer, pur ceo que ils sont commen artificers, & que le commen presumpcion est, que tiels choses ne perteynent al artificer, mes al auters persons que les mettont la a oreue.

Auxi vitel nest pas distreinable ne blees en garbes, sinon q̃ ilz sount en vn chareot, pour ceo que distres couient eẽ touts foits de tiel chose doũt le viẽ puit fair repleuin & redeliũ en auxi bõ case que il fuit al tẽps del prise. Auxi home puit dystrayne pour hommage de son tenaunt, pur fealtye & escuage, & auters services, & pur fines & amerce.

amercements que ſõt aſſeſſe en vn lete mes nemy en court barõ. Et auxi pour dam̃ feſant.s.quant il troue les beaſts ou bñs dun auter,feſaunt tort ou incõbrant ſon terre. Auxy home ne puyt diſtrain pur aſcũ rent ou choſe due pur aſc̃ terre, mes ſur meſme la terre q̃ eſt charge oueſq; c̃, mes en caſe lou ieo veign̄ a dyſtreine,& lauter voyant mõ purpoſe,chaſe les beaſts ou port le choſe de hers,al entẽt que ieo ne prendra pour dyſtreſſe ſur le terre, dõq̃s ieo puiſſe bien purſue, & ſi ieo le priſt maintenãt en la haute chymine ou en auter ſoyle la pryſel eſt loyal, auxibien la come ſur la terre

amercements which bee aſſeſſed in a leete but not in a court baron, and alſo for dammage feſaunt, that is to ſaye, when hee fyndethe the beaſtes or goods of an other, doing hurte or cumbrynge hys groũd. Alſo a man maye not diſtrain for any rent or thing due for any land but vpon the ſame lande that is charged therwith but in caſe wher I come to diſtraine, & the other ſeeing mye purpoſe, chaſeth the beaſtes or bereth the thinge onte to the intent ỹ I ſhall not take it for a diſtreſſe vppon the ground, thẽ I may well pourſue, and if I take it incontinent in the hye way or in ã other, groũd ỹ taking is lawful aſwel there as vppon the lande charged

charged to whosoeuer ye propretie of the goodes bee. Also for fines and amerciamentes whiche be assessed i a Lete, one may alwaye take the goodes of hym that is so amerced, in whose grounde so euer they bee within the iurisdiction of the courte as it is faide. Also when one hath taken a distresse, it behooueth him to bringe it to the comen pounde, or els he maye keepe it in an others grounde, and then it behoouethe hym to geeue notice to the partie, for that, that the partie (if the distres bee a quicke beaste) maye geeue to it foode, and than if the beaste die for defaute of foode, he that was distreined shall bee at the losse, and then the other maye

charge a quecunq; la propertie des byens sont. Auxi pur fines & amerciaments que sount assesse en vne lete, vne puit toutes foits prendre les biẽs celuy qui est issint amercie in quecunque soile que ils sount deins la iurisdiction del court vt dicitur. Auxi quant vn ad prise vn distres, il couiẽt a luy de amener a le comẽ pound, ou autermẽt il puit garder in auter soyle, & donques il couient a luy de don notice al partie, pour ceo que le party (si le distres soit vne vyue beast) puit doñ a luy viande, & donques si le beast murrust pur defaut de viand' celuy que fuit distraine serra a le parde, & donques lauter puyt

distraine auterfoytes pur mesme le rent ou duitie. Mes sil amesna la distresse a vne forsolett ou hors del county, quel a vic̃ ne puit bien fair deliuerance sur repleuyne, donques la party sur le retourn de vicoũt auera vne briefe de Withernam direct al vicount que il preign taunt de ses beastes ou taunt des byens lauter en sa gard tanque il ad fait delyueraunce de la prymer distresse. Auxy sils sount in vne forselet ou chateaw, le vicont puit prender oue luy le power del county & abater le chastell come appiert per le statut Westmonster' 1. C. xx. Ideo vide statutum.

distrayne agayne for the same rent or dutie. But if hee bryng the distresse to a holde or oute of the countie, that the sherife may not make deliueran ce vpon the repleuin, thã the partie vpon the retor ne of the sheriffe, shal ha ue a writ of Withernã, directe to the Sherife, that hee take as manye of hys beastes, or as muche goodes of the other in his keepyng, tyll that hee hath made deliueraũ ce of the first distres. Also if theye bee in a forselet or Castell, the Sherife maye take with hym the power of the Countie, & beate downe the Castel, as it appeareth by the statute Westm̃. 1. capit. xx. Therefore looke the statute.

¶ Dea

¶ Deo dande is whan anye man by misfortune is slayne by an hors, or by a cart, or by any other thyng that moueth, than this thinge that is cause of his deathe, and whiche at the time of the myssortune moueth, shal bee forfayte to the king, and that is called deodãde, and that perteineth to the kings almener for to dispose in almes and in dedes of charitie.

¶ Dedimus potestatem is a writte, and it lieth where a man sueth in the kynges courte, or is sued, and maye not well trauel, than he shal haue thys writte directe to some Justice or other discrete personne in the countreye, to geeue to hym power, to admitte some manne for hys

Deodande est quant ascun home per misfortune est tue p vne chiuall ou per charet ou per auter chose q̃ mouet donques cel chose que est la cause de son mort, que al temps de la myssortune moua, serra forfayt al Roye, & ceo est appell Deodande & ceo partayne al almener le Roye pur disposer in almes & actes de charitie.

Dedimus potestatem est vne briefe, & gist lou vn home sua in le courte le roye, ou est sue, & ne puyt bien traueler, donqs il auera cest brief directe a ascun Iustice, ou auter discrete person en le payes, de done a luy power de admitte ascun pur sõ

attorney, ou de leuie fyne, ou de prender son confession ou sō respons ou auter examination cōe le matter require.

Demurrer est quāt ascun action est port, & le defēd' plede vn plee a q̄ le pleintif dit q̄ il ne voile respondre, pour ceo q̄ il nest sufficiēt plee in le ley & le def. dit al contrary que il est suffici ent plee, ceest doubte del ley est appell vne demurrer.

Double plee ē lou le defendaunt ou tenant en ascun action plede vn plee in que ij. matters sont cōprehendus & chescun per luy m̄ est vn sufficient barre ou respōs al action ou matter de barre donq; tyel doubl'ple ne serra ad

attorney, or to leuie a fine, or to take his confession or his aunswere, or other examinacion as the matter requireth.

¶ Demurrer is when anye action is broughte & the defendant pledeth a plee to the which ỹ pleintife saith that he will not aunswere, for that that it is not sufficiēt ple in the lawe, and the defendant sayth to the cōtrary, that it is a sufficient plee, this dout of the law is called a demurrer.

¶ Double ple is where the defendaunte or tenaunt in anye actiō pledeth a plee in the whiche ij. matters bee comprehēded, and euerye one by himselfe is a sufficiente barre or aunswere to the accion, then suche a double ple shall not bee admitte

mitted for a plee, excepte one depende vppon an other, and in suche case if he may not haue the last plee without the firste plee, then suche a double plee shalbee well suffered.

¶ Dower is a writte and it lyeth where a man is sole seised during the couerture betwen hym and his wife of landes and tenementes in fee simple, or fee tayle, where by possibilitie the yssue betwene them maye inherite, yf suche a man dye his wife shall recouer the thirde parte of all the landes wherof the husband was sole seised anye tyme during the couerture by a writ of dower vnde nihil habet, though that he made alienacion therof in his lyfe, but if a mã

mitte pur plee si non que vne depende sur lauter & in tyel case sil ne puit aũa le darreine plee sans le primer plee donq; tyel double plea serra biẽ suffer.

Dower est vn brief & gist lou home est sole seisie duraunt le couerture per inter luy & sa feme de terres ou tenements en feesimple, ou fee tail lou p possibilitie lissue enter eux puissoit inherite, si tiel home deuie la femme recouera la tierce part de tout les terres dount le baron fuist sole seisye ascun temps durant le couerture per briefe de Dower vnde nihil habet mesq; il ne murrust seysy & mesque ad il fait alienation de ceo en sa

vye, mes ſi home ad terres enqueux auter home ou auters homes fueront ſeiſye a ſon oeps toutesfoites duraunt le couerture et ceſtye: a que oeps il ſount ſeiſie deuye ſa femme ne ſerra indowe. Et auxy ſi ii. homes ſount ſeiſie de terre al oeps lune de eux & ceſty a que oeps &c. deme ſa feme ne ſerra endow. Auxi ſi femme port briefe de dovver el recouera dammage pour le profit incurrus apres la morte le baron ſil murruſt de ceo ſeiſy Mes ſi aſcun alienacion ou eſtate ſoyte fait duraunt le couerture q̃ iſſint le baron ne murruſt ſeiſie donques meſque il recouera la terre vncore

haue lands in the which another man or other men were ſeyſed to his vſe alwayes during the couerture, and hee to whoſe vſe they be ſeiſed dieth, his wife ſhall not bee endowed. And alſo yf two men bee ſeyſed of lande to the vſe of one of them, and hee to whoſe vſe &c. dyethe, his wyfe ſhall not bee endowed. Alſo yf a woman bringe a writte of dower ſhee ſhall recouer damages for the profet runne after the deathe of her huſbande yf hee diethe therof ſeyſed, but yf any alienacion or eſtate were made durynge the couerture, ſo that the huſbande dyed not ſeyſed, then though ſhe ſhall recouer the lande yet ſhee ſhal recouer no dañ.

Alſo

¶ Also there is another writte of dower called a writte of right of dower, and it lieth where a woman hath recouered part of her dower in the same towne, and the other ꝑte she is to recouer. Also in diuers cases a woman shall not haue dower, as yf the husband do felony for the whiche he is attainte, than hys wyfe shall haue no dower. Also yf she goe away from her husband with an other man in aduowtre, & yf she bee not reconsiled by her husbande of hys owne wil without cohersiō of the church, she shal not bee inowed.

¶ Droit is a writte, and it lyethe where a man claymethe anye Landes or tenementes, and aledgeth no tytle but onelye

el ne recouera dammages.

Auxi il est vn auter briefe de dovver appell briefe de droit de dovver & gist lou femme ad recouere part de sa dovver en mesme le ville & auter parte el est a recouer. Auxi en dyuers cases femme nauera dower, sicome le baron fait felony per q̄ il est attaint donques sa femme nauera dower. Auxy si el elopa de son baron ouesque vne auter home in auovvtrie & si el ne soit reconsile per son baron de son bō volunte sauns cohersion del esglise el ne serra endovv.

Droit est vn brief & gist lou hōe claim ascē terr' ou teñts & allege nul titl' mes solem̄t

q̄ vn de ſes anceſtors in auncyent temps fuit ſeiſy puis le limitacion, et ceſt briefe coulent eſte porte en court le ſeigniour & puit eſte remoue en court le Roye & nad forſq; ij. triels as. per grand aſſiſe ou p̄ bat-tel al electiō le tenāt et pur ceo il couyent touts foits al pleintif pur auer ſon champion priſt, ou autermit il perdera ſon action. Auxi le iudgemēt de ceſt brief eſt final, car il neſt pas plee pur le tenant adire que il re-coueraſt p̄ actiō trie. Auxi il eſt vne auter briefe de droit de ra-cionabile parte & giſt toutes foytes inter priues de ſanke, ſi-come vne home leſſe terres a term de vye & ad pluſoures co-

that one of his auncel-tours in olde tyme was ſeiſed after the limitaciō, and this writte behoueth to bee brought in the lor-des courte, and it may be remoued into the kynges court, and it hath not but two triels, that is to ſay by graund aſſiſe or by ba tel, at the electyon of the tenaunte, and ſo that it behoueth alwaye to the pleyntif for to haue hys champion redy or els he ſhal loſe hys accion. Alſo the iugemēt of hys writ is finall, for itis no ple for the tenant to ſay that hee recouered by accion tried. Alſo there is an o-ther writ of ryghte de ra cionabile parte, and it ly-eth alway betwene pry-ueys of bloode as if a mā let Landes for terme of lyfe, and hath many re-

heyres,

heyres and dieth, if one of the coheyres enter in all the Lande, the other shall haue this writt, but thys writte shall not bee tried by battel nor graũd Assise.

¶ Also ther is an other writ of right quando dominus remisit curiã suã Regi, and it lieth wher ỹ Lorde holdeth no courte, than her shall remit hys court to the kyngs court for the tyme sauinge to hym an other tyme the righte of his seignourye.

¶ Loke of writtes of right in the titles of Precipe in capite monstrauerunt, dower, & quare impedit.

¶ Dures is where one is kept in prysone or restrayned from his liberty contrarye to the order of the lawe, and yf such a per-

heires & deuie si vne des coheires entra in tout la terre les autres aueront ceste brefe ne serra trie per battell, ne graund assise.

Auxi est vne auter brief de droit quádo dñs remisit curiá suá regi & gist lou le seignieour ne tient courte donques il remittera son court al court le roye a ycel foites sauant a luy auterfoits le droit de son seignoury.

Vide des briefes de droyt en les tytles de Precipe in capite mõ strauerunt, dower, & quare impedit.

Dures est lou vn hõe est garde in prison ou restreine de son libertie contrary al order de lay, et si tiel per-

son

ſon iſſint eſteant fait in dures aſcun eſpecialtie ou obligation p reaſon de tyel enpriſonment tiel fayt eſt voyde en le ley, & in accion porte ſur tyel eſpecialtie il puyt dire qui il fuit fait per dures de ſon impriſonment, mes ſi hom̃ ſoit arreſte ſur aſcun action al ſuite vn auter meſque le cauſe de l action ne ſoit bō ne voir, ſil fait aſcun obligation a vne eſtraunge eſteant in priſon per tiel arreſt, vn core il ne ſerr' dit per dures, mes ſil fait obligation a luy a que ſuit il fuit arreſt deſte diſcharge de tyel impriſonment, donques il ſerra dyt dures vt dicitur.

ſon ſo being in dures| make anye eſpecialtie or obligacion by reſon of ſuche impriſonement ſuch a deede is voyde in the lawe: and in an accion broughte vppon ſuch an eſpecialtie, he maye ſaye that it was made by dures of impriſonemente, but yf a man bee areſted vppon any accion, ſat the ſute of another thoughe the cauſe of the accion be not good nor trewe, if he make anye obligacion to a ſtraunger beynge in priſon by ſuch arreſte, yet it ſhall not bee ſayde by dures, but yf hee make an obligacion to hym at whoſe ſuite he was arreſted to bee diſcharged of ſuche impriſonement, thā it ſhalbe ſaid dures vt dicitur.

¶ Dum non fuit compos

pos mentis is a writte & it lieth wher a man that is out of his good mynde alieneth the landes that he hath in fee simple and dyeth, then his heyre after his dissese shal haue this writte but hee hym selfe shall not haue this writ for that that a man shall not bee receiued to disable hymselfe. Also this writte maye bee made in the per, cui, & post.

Dum fuit infra etatem is a writte, and it lyethe where an infante within age alieneth hys land that he hathe in fee simple, or for terme of lyfe, when hee commeth to his full age, hee shall haue this writte, or he maye enter yf he wyll, but yt behouethe, that hee bee of ful age the day of thys writte brought

pos mentis est vne briefe & gist lou hõe que est hors de son bone memorye alien les terres que il ad in fee simple & deuye donques son heire apres son decesse auera ceste briefe, mes il mesme nauera ceste brief pur ceo q̃ home ne serra resceu a disabler luy mesme auxy ceste briefe puyt este fait en le per, cui, et post.

Dum fuit infra etatem est vne briefe & gist lou enfaunt deis age alien sa terre que il ad in fee simple ou pur term de vie quãt il vyent a son pleyne age il auera ceste brief ou il puyt entre sil voit, mes il couyent que il soyt de pleyne age iour de son brief purchase.

Auxi si enfant alyen sa terre & deuye son issue a son pleine age auera ceste briefe lou puit enter, mes lissue nauera ceste brief deins son age.

Eiectione firme vide de ceo en le tytle quare eiecit infra terminum.

Eiectment de gard vide de ceo en le tytle garde.

Entre est lou vn hõe entra en ascun terre ou tenements en son proper person ou auter p son commandement. Auxi sount dyuers briefes Dentre ꝙux sõt in diuers maners, vn est br' dentre sur disseisin, et ceste br' gist lou home est disseisy & deuy son heir auera lauauntdit br' vers mesme le disseisour.

also if an infant alyen his lãd and dye, his yssue at his full age shall haue this writte or hee maye enter, but the issue shall not haue this writ within his age.

¶ Eiectione firme, loke for that in the title quare eiecit infra terminum.

¶ Eiectement de garde, looke for that in the title garde.

¶ Entre is wher a man entreth in anye Landes or tenementes in his p̃o per person or anye other by his commaũdement. Also there bee diuers writtes of entre whiche bee in diuers maners: one is a writ of entre sur disseisin, and this writ lieth where a man is disseised and dieth, hys heyre shall haue this writ against the disseisour.

A writ

¶ A writ of entre in the per lieth, where a man is disseised of his frehold and the disseysour of hys heyre entereth, then the dysseisye or hys heyre shall haue the sayde writ agaynste the heyre of the disseisoure, or agaynste the alien of the disseisour, but lyuing the dysseysoure, hee maye haue assise yf hee will, and the writ of Entre shall say in quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde iniuste disseisiuit &c. But if the disseisour alien and the aliene alienethe further to another, or if the disseisoure dye, and hys heyre enter, and that heyre dieth, and his heyre entreth, than the dysseisy or his heyre shall haue a writ of Entre sur disseisin

Briefe dentre en le per, gist lou home est disseisy de son franke tenement, & le disseisour deuie seisie, & sō heire entra, donques le disseisy ou son heir auera le dit brief vers lheire le disseisour, ou vers lalien le disseysour, mes viuaunt le disseisour, il puit auer assise si il voile, & le brief Dentre dirra, in quod A. non habet ingressum nisi p B. qui illud ei dimisit qui in de iniuste disseisiuit &c. Mes si le disseisor alien, & le alien alien ouster a vn auter, ou si le disseisour deuye, & son heire entra, & celuy heire deuye, & son heire entra donques le disseysye ou son heire auera brief Dentre sur disseysin

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in le Per & Cui, & le briefe dirra in qd' idē A. non habet ingressum nisi per B. cui C. illud ei dimisit qui inde iniuste &c. Et nota que nul briefe dentre in le Per & Cui serra maītenable vers nulluy mes lou il que est tenaunt soit tenᵘ per pourchase ou per discent, mes si lalienacion ou discent sont deuenus hors des degrees sur quel nulle briefe puit este fait in le Per, ne in le Per & Cui, donques serra fait in le Post, & le briefe dirra, in quod A. non habet ingressum nisi post disseisinam quam B. inde iniuste & sine iudicio fecit prefat' N. vel m̄ proauie N. cuius he-

sin in the Per & Cui, and the writ shal say, in quod idem A. non hēt ingressum nisi per B. cui C. illud ei dimisit qui inde iniuste &c. And note well, that no write of entre in the Per & Cui, shalbee mayntenable agaynste none, but where he that is tenant bee in by purchase or discent, but if the alienacion or discent bee come oute of the degrees vpō which no writ maye bee made in the Per, nor in the Per, & Cui, thā it shalbe made in the Post, and the writ shall saye, in quod A. non habet ingressum nisi post disseisinam quam B. inde iniuste & sine iudicio fecit prefat' N. vel m̄ proauie N. cuius heres ipse est. Also there are fiue thinges

whiche putte the writte of Entre oute of the degrees, that is to saye, Intrusion, Electyon, Dysseysin vppon dysseysin, Judgemente and Eschete. Entrusion is, when the dysseysoure dyethe seysed, and an estraunger abateth. Dysseisin vppon disseisin is, when the disseisor is disseysed by an other. Election is, where the dysseysoure is a man of Religion, and dyethe, or is deposed, and hys successoure that is elected entreth. Judgement is, when one recouerethe agaynste the dysseysour. Eschete is when the dysseysours dyethe wythoute heyre, or dothe felonye whereby hee is attaynted, by whiche

res ipse est. Auxi sont v. choses que mettōt brief dentre hors des degrees. s. Entrusion Election, disseisin sur disseisin. Iudgement & Eschete. Entrusion est quaunt le disseisour deuye seysye, & vne estraunge abata. Disseysine sur disseysine est, quaunt le disseysour est disseisye per vn auter. Election est ou le disseisour est vne home de Religion & deuie, ou est depose, & son successor que est elect entra. Iudgement est, quaunt vne recouer vers le disseisour. Escheate est quaunt le disseysour deuie sauns heire, ou fait felony per que il est attaint, per que le seyg-

le ſeignior entra cõe en ſõ eſchete, in touts ſes caſes le diſſeiſi ou ſon heire nauera br' de Entre deins les degrees in le per, mes in le poſt, pour ceo q̃ in ceux ditz caſes ilz ne ſont eins per diſcent, ne p̃ purchaſe. Auxy il y ad vn briefe dentre ad communem legem. & giſt lou tenãt a terme de vie, tenant a terme dauter vie, tenant per le curteſye, ou tenaunt in dower alien & deuie, donq; celuy en la reuerſion auera lauantdit brief deuers quecunq; que ſoit eyns apres en les dits tenements. Auxi briefe Dentre in caſu prouiſo giſt ſi tenant en dower alien in fee ou a tearme dauter vye viuaunt le tenant in dower celuy

the Lorde entreth as in his Eſchete. In all thoſe caſes ẏ diſſeiſy or his heyre ſhal not haue a writ of Entre wtin ẏ degrees in ẏ Per, but i ẏ Poſt, for ẏ that in thoſe ſayde caſes they are not in by diſcent nor by purchas. Alſo ther is a writte of Entre ad communem legem, and lyeth where tenãt for terme of life, tenant for terme of anothers life, tenãt by the curteſie, or tenaũt in dower alieneth and dieth, thã he in the reuerſion ſhall haue the aforeſayd writ agaynſte whoſoeuer that is in, after in the ſayde Tenementes. Alſo a writ of Entre in caſu prouiſo lyeth, if tenaunt in dower alien in fee, or for terme of lyfe, or for anothers life, liuig the tenaunt in dower, he

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in the reuerſion ſhall haue ỹ writ called a writte of Entre i caſu prouiſo. Alſo a writ of Entre i caſu cõſimili lyeth, if tenãt for terme of life, or tenãt by the curteſie alie in fee liuing them, he in the reuerſion ſhal haue a writ, called a writ of Entre in cõſimili caſu. Alſo a writ of Entre ad terminum qui prætertyt lyethe, yf a man leſſe lande to another for terme of yeares, and the tenaunte holde ouer hys terme, then the leſſour ſhall haue a writ whiche is called a writte of Entre ad terminum qui prætertyt. And alſo, yf landes bee leaſed to a man for terme of an others lyfe, and hee for whoſe lyfe the Landes are leaſed dyethe, and

in la reuerſion auera la briefe, appelle brief Dentre in caſu prouiſo. Auxi brief dentre in caſu conſimili, giſt, ſi tenant a terme de vie, ou tenãt per le curteſie aliẽ in fee viuant eux, celuy en la reuerſion auera brief appelle briefe dentre in conſimili caſu. Auxi brief dentre ad terminum qui preterijt giſt, ſi vn hõe leſſa terres a vn auter pur term dans & le tenãt tient ouſter ſon term donq; le leſſour auera briefe que teſt appell brief dentre ad terminum qui preterijt. Et auxi ſi terres ſount leſſes a vn home pur terme dauter vie, & ceſty pur q̃ vie, les terres ſõt leſſes, deuie, &

le leſſe tiēt ouſter, dō ques le leſſour auera ceſt briefe. Auxi brief dētre ſine aſſenſu Capituli, giſt ou abbe, priour ou tiel que ad couent ou cōen ſeal, aliene terres ou tenements de droit de ſō eſgliſe ſans laſſent de Couent ou Chapiter & deuie, donques ſō ſucceſſour auera ceſt briefe, & puit eſte fait in le Per, Cui & Poſt Auxi briefe Dentre cauſa matrimonij pre locuti giſt lou vn dō terres ou tenementes a vn home ſur tiel cō dicion que il prendra vn tiel a ſa femme de yns certeyne temps, & il ne luy eſpouſa deins la dit temps ou eſpouſe auter feme, ou luy fait preſter, ou

the leſſe holdes ouer, thē the leſſour ſhal haue this writ. Alſo a writ of Entre ſine aſſenſu Capituli, liethe where an Abbot, Priour, or ſuche ỹ hathe couent or commen ſeale alieneth landes or tenements of the right of his churches wout thaſſente of couent or chapiter and diethe, then his ſucceſſor ſhall haue this writ, & it may be made in the Per, Cui, and Poſt. Alſo a writ of Entre cauſa matrimonij prelocuti, lyeth where a man geueth landes or rent to a man, vpon ſuche condicion, that hee ſhall take one ſuche to hys wyfe, within a certayne terme, and hee do not eſpouſe her wythin the ſayde terme, or eſpouſe another woman, or

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make him selfe preest, or enter in religion, or hym disable, so that he cā not take her according to the sayd condicion, then the donour or hiz heires shal haue the said writ againſt him, or against whosoeuer that is in the sayde lande. Also it behoueth, that this condicion bee made by indenture, or otherwise this writ doeth not lye.

¶ Entrusion is a writ, and lyeth where a tenāt for terme of lyfe, dyethe seysed of certayne Landes or tenementes, and a straunger entreth, hee in the reuersion shall haue the sayde wrytte agaynste the abator, or agaynste whosoeuer that is in after their disseisin. Also a writ of Entrusiō

entra en religion, ou luy disable, issint que il ne puit el prender accordant a la dit cōdicion, dōques le donour ou ses heires auera le dit briefe vers luy ou vers quecunque que est eins en le dyt terre. Auxy il couient que ceſt condicion soyt fait per indenture, ou autermēt ceſt briefe ne giſt.

Entrusion eſt vne briefe, & giſt lou tenaunt a terme de vie deuie seisy de certein terres, & tenementes & vne estraunge entra, celuy en la reuersion aūa le dit briefe vers labatour ou vers quecunques que soyt eyns apres loure dysseysine. Auxy vn briefe de Entrusion

ſerra maintenabl' pur le ſucceſſour dun abbe vers labatour que entra en aſcun terres ou tenementes tempore vacationis, que appent a ſa eſgliſe. Marlebridge capitul' vltimo.

Elegit eſt vn briefe iudiciall, & giſt lou home ad recouer det ou dammages en le court le roye, ſil ſuppoſe que les biẽs lauter ne ſont ſufficient, donques il auera ceſt briefe al vicont, a delyuer a luy toutes ſes biens & chateux excepte que les boefes & affres de ſon carue & auxy le moitye de ſa terre que ſerra a luy delyuer per reaſonable extent' que il tiendra tanque le

ſhall bee mayntaynable by the ſucceſſoure of an Abbot agaynſte the abatoure whiche ſhall enter in anye Landes or tenementes in the tyme of vacacion that belongeth to the Churche. Marlebridge the laſt chapiter.

¶ Elegit is a writ iudicial, and it lyeth where a man hathe recouered in the kynges courte det or damages, yf hee ſuppoſe that the goodes of the other bee not ſufficiente, than hee ſhall haue thys writ to the ſheriffe, to deliuer to hym all his goodes & cattalles, excepte oxen and impleme nts of his carte, and alſo the halfe of his lande, whyche ſhalbee to hym delyuered by reaſonable extent that he ſhall holde it tyll

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the ſomme be leuyed of the ſayde yſſues and profites.

¶ Errour is a writte, & it lyeth where a falſe iugement is geeuen in the comen place, or before ỹ iuſtice i aſſiſe, of oyer, determiner, or before the Maior, & ſhiriffes of Lõdon, or in other courte of recorde, for to make ỹ recorde & pces to come before ỹ iuſtice of the kingz bẽche, & if ther errour be found, it ſhalbe reuerſid, but if a falſe iugemẽt be geuẽ in ỹ kynges bẽche, thẽ it ſhalbee reuerſid by ỹ parliamẽt. Alſo yf a falſe iugement be geuen in courte, that is not of Recorde, as in cownte, hundred or court baron, then the parte ſhall haue a writ of falſe iugemẽt for

ſomme ſoit leuye des iſſues & profits.

Errour eſt vn brief & giſt lou faux iugement ẽ don en le comen bank ou deuant iuſtice in aſſiſe ou deuaunt iuſtice de oyer & terminer ou denãt la mayor ou vicount de Londres, ou en auter courte de recorde pur faire vener le record & proces deuãt les iuſtices de bank le roy, et la ſi errour ſoit troue, il ſerra reuerſe, mes ſi faux iugement ſoit done en banke le roy, donq; il ſerra reuerſe p parliam̃t. Auxi ſi faux iugement ſoit done en court q̃ neſt de recorde come en countie hundred ou courte baron, donq; la party auera briefe de faux iugemẽt pur

faire le record venire deuaunt iuſtice de commen bank. Auxy ſi errour ſoit troue in leſcheker il ſerra redreſſe per le chaunce lour & treaſourer, vt patet per ſtatutum. Edw. iii. Anno. xxxi. cap. xij.

Eſſon eſt lou vn accion eſt port & le pl' ou defendant ne poit bien appearer al iour in court pur vn de v. cauſes de ſouthe expreſſes donq; il ſerra eſſoin de ſauer ſõ defaut vnde nota q̃ſont v. mañs de eſſon. s. eſſon de ouſter le mere & ceo eſt per xl. ionrs Le ii. eſſon de terra ſãcta & ceo ſerra pur vn an & vne iour, & ſes deux ſerrount giſt al commenſement de ple vt dicitur.

to make the recorde to com before the Juſtice of the comen place. Alſo yᵗ errour bee founde in the Eſchequer it ſhalbee redreſſed by the chaunceller and treſorer as it appereth by the ſtatut of E. iij. An. xxxi. cap. xij.

¶ Eſſone is where an accion is brought and ẏ plaintife or defendante maye not well appere at the daye in court for one of the v. cauſes vnder expreſſed, thẽ he ſhalbe eſſoned to ſaue his defaute, wherevpõ note wel that ther bee v. maner of eſſones, ẏ is to ſaye, Eſſone de ouſter le mere, & ẏ is by xl. dayes, ẏ ſecõd eſſone is de terra ſancta, & ẏ ſhalbe by a yere & a day, & theſe twain ſhalbe laid in the beginning of ẏ ple

vt

vt dicitur, the iij. essoin is de male vener, and that shalbee at comen dayes, as the action requireth, & this is called the comen essoin, and when & howe this essoin shalbe, loke ỹ statutes and the boke of abrygementes of statutes, where it is wel declared. Also the iiij. essone is de malo lecti, and that is onely in a writte of right and there vppon there shall a writte go oute of the Chauncerie direct to the shirife, that hee shall send iiij. knightes to the tenaunt to se the tenaunte and if hee bee sike to geeue hym a day after a yeare and a daye. Also ỹ v. essone is de seruice le roye, and it lieth in al actions excepte in Assise

Le tierce essoin est de male vener & ceo serra al comen iours come laction require & ceste appel le comẽ essoin, & quaunt, & coment ceste essoin serra, vide les statutes & le liuer de abridgemẽt de statutes, lou il est bien declare. Auxy le iiii. essoin est de malo lecti & ceo est solement en briefe de droyt, & sur ceo isserra brief hors de chaũcerye dyrecte al vyscount que il maunde iiii. Chyualers al tenaunt de voyer le tenaunt & sil soyt malade, de doner a luy iour apres vne an & vn iour. Auxi le v. essoin est de seruyce le roy & gist en toutes actions forsq; in assise

de nouel diſſeiſin br̃ de dovver, darreyne preſentment & in appell de murder, mes in ceſt eſſoñ il couyent al iour de mõſtre ſon garraunt ou autrement il tornera in vn def. ſil ſoit in plee reall ou il perdra xx. s. pur le iurney ou pl̃ per diſcretion des iuſtice ſil ſoit en plee p̃ſonell vt patet p̃ ſtatut de Gloceſter cap. decimo.

Eſtraye eſt lou aſcun beſt ou cattel ẽ in aſ̃ ſeignourie & nul conuſt le owner de ceo dõq; il ſerra ſeiſi al oeps le roy ou le ſeigñ q̃ ad tiel eſtraye per grant le roy ou p̃ preſcripc̃ & ſi le owner vint & fait claime a c̃ deis vn an & vn iour

of nouel diſſeiſin a writt of dower, daren preſentment & in appel of murdure, but in this eſſone it behouethe at the daye to ſhewe his warrãt, or els it ſhal torne into a defaute if it be in a ple reall, or els he ſhal loſe. xx. s. for ỹ iorney or more by the diſcrecion of the iuſtice if it be in ple perſonell, as it appereth by the ſtatut of Gloceſter. cap. decimo.

¶ Eſtray is where anye beaſte or cattel is in any lordſhip and none knoweth the owner therof, thã it ſhalbee ſeiſed to the vſe of the kynge, or of the Lorde that hath ſuche eſtray by the kyngs graũt or by preſcripcion, and yf the owner come and make claime therto with in a yeare and a daye, than

than hee shall haue it a-
gaine or els after the yea
re the propertie thereof
shalbe to the Lorde, so y
the Lorde make proclа-
macion therof according
to the lawe.

¶ Escape is wher one y
is arrested cõmith to his
libertie before that he be
deliuered by the warde
of any iustice, or by order
of the lawe. Also yf one
bee arested, and after es-
cape, and is at his liber-
tie, and he in whose war
de he was take him after
warde, and bring him to
the prison, yet it is an es-
cape in hym.

¶ Also yf a murder bee
made in the daye, and
the murderer bee not ta-
ken, than it is an es-
cape for the whiche the
towne where the mur-

donques il le reauera
ou auterment apres
an la properte de ceo
ſerra al ſeygniour iſ-
ſint que le ſeigniour
face proclamacion
de ceo accordaunt a
le ley.

Eſcape eſt lou vne
que eſt areſt deueignñ
a ſon libertie deuant
que il ſoit deliuer per
agarde de aſcun iuſ-
tice ou per order del
ley. Auxi ſi vn ſoit ar
reſt & puis eſcape &
eſt a ſon libertye &
ceſtye in que garde il
ſuiſt luy repriſe apres
& luy ameſne a le pri
ſon vncore il eſt eſ-
cape en luy.

Auxi ſi vn murder
ſoit fait in le iour & l'
murderer ne ſoit pris
donq; il eſt eſcape p
que le vill ou le mur-

der

der ſuit fayt ſerra amercy. Auxi ſi vn felon ſoit areſt p le cõſtable & ameſne a le gaile en le counte & le gailer ne voit luy reſeiuer & le conſtable luy dimit & le gailer auxy & iſſint il eſcape, ceſt eſt vn eſcap̃ en le gailer pur ceo q̃ en tiel caſe le gailer ẽ tenus de luy reſceiuer per le maine le cõſtable ſãs aſcun precept de le iuſtices de peace mes auterment eſt ſi vn comen perſon arreſt auter pur ſuſpeccion del felonye la le gayler neſt tenus de luy reſceiuer ſans precept de aſcun des iuſtices del peace.

Eſchete eſt vn br' et giſt lou vn tenant tyent dun ſeigniour

der was done ſhalbee amercyd. Alſo yf a felõ be arreſted by the conſtable and brought to the gaile in the coũte, and the gaylour will not reſceyue him, and the conſtable letteth hym go, and the gaylour alſo, and ſo hee eſcapeth, this is an eſcape in the gaylour, for that that in ſuche caſe the gayler is bound to receyue hym by the hande of the conſtable without anye precept of the Juſtice of peace, but otherwiſe it is yf a comen perſon areſt an other for ſuſpecious offelonye, there the gaylour is not bounde to receyue him without a precept of ſome iuſtice of peace.

¶ Eſchete is a writt and it lyethe where a tenant holdethe of a Lord without

out meſne and doth felony, for the whiche hee is hanged or abiured the realme or bee outlawed of felony, murder, or pety treaſon, or yf the tenaũt dieth without heyre generall or ſpecial, then the Lord may enter by way of Eſchete, or yf another enter, the Lorde ſhal haue againſt him thiz writ.

¶ Eſcuage is called in latten Scutagium, that is ſeruice of the ſhilde, & he that holdeth by eſcuage holdeth by knight ſeruice, for hee that holdeth by eſcuage holdeth by homage and fealtie, and to that belongethe warde mariage and reliefe. but it ſhalbee entended of eſcuage not certaine when the Eſcuage runnethe thorough Englande.

ſans meſne & face felony pur q̃l il eſt pendu ou abiure le realm ou vtlage de felony, murder, ou pety treaſon, ou ſi le tenaunt murruſt ſauns heyre general oú ſpecial dõques le ſeignior puit enter per voye de eſchete ou ſi auter hõe enter le ſeignioure auera vers luy ceſt br'

Eſcuage eſt appell in latin ſcutagium. s. ſeruicium ſcuti & ceſty qui tient per eſcuage tyent per ſeruice de chiualer, car que tient per eſcuage tyent per homage & fealtie, et a ceo appent garde mariage et reliefe, mes il ſerra intend de eſcuage non certein quãt leſcuage courge p tout Engl'.

Et

Et eſt ordein p tout le counſell Denglet' pur ſuſteiner guerres parenter Engleterre & ceux de eſcoce ou de galis q̄ cheſc̄ ſeign̄ auera certein ſomme de ſon tenaunt pour maintener le dit guer mes ſi le tenant q̄ ty- ent daſcun ſeignor p eſcuage ſoyt oue le roy in ſes guerres in eſcoſe, et le ſeigniour voit diſtrain luy pur eſcuage, il ſerra bone plee adire que il fuyt oue le roy en ¦eſcoce en le guerre, et ceo ſerra trye per le mar- ſhall le roy.

Eſtrepem̄t eſt vn br' & giſt lou vn eſt im- plede p vne prec̄ qd' reddat pour certeine terre ſi le demandant ſuppoſe q̄ le tenaunt

And it is ordayned by all the counſel of Englande to maintain the warres betwen Englãde & thoſe of Scotland, or of Wa- les, that euery lord ſhall haue a certaine ſumme of his tenãt to maintain the ſayde warre, but if ỹ tenaunt whiche holdeth of anye lorde by eſcuage be with the kynge in hys warres in Scotlande, & hys lorde will diſtrayne hym for eſcuage, it ſhall bee a good plee, to ſay ỹ hee was with the kynge in Scotland in his war- res, and that ſhalbe tried by the kyngs marſhal.

¶ Eſtrepemẽt is a writ, & it lieth wher one is im pleded by a præcipe quod reddat, for certaine land yf the demaũdant ſuppo ſing that the tenaũt will

doe

do waſte hanginge the plee, hee ſhall haue agaynſte hym thys writte which is a Prohibicion, commaunding him that hee doe no waſte hangyng the ple. And thys writte lyethe properlye where a man demaundeth landes by formedone, or writ of right, or ſuche writtes where hee ſhall not recouer damages. For in ſuche writes where hee ſhall recouer damages, hee ſhall haue hys damages hauyng regard to the waſt done.

¶ Etate pbāda is a writ of office, & it lieth for the heyre of the tenaunte that held of the kynge in chiefe, for to proue that hee is of ful age directed to the ſhiriffe, to enquyre of his age. And than hee

voile faire waſt pendant le plee, il auera vers luy ceſt briefe q̄ eſt vn prohibitiō, luy cōmandant que il ne face waſt pendant le plee, et ceſt briefe giſt proprement, lou vne home demaund terre per Formedone, ou briefe de droit ou tyels briefes, lou il ne recouer dammages, car in tiels briefes lou il recouera dammages, il auera ſes damages eyant regarde al waſt fait.

Etate pbanda eſt vn briefe doffice, & giſt pour lheire le tenaunt que tenuit de Roy in chiefe pour prouer que il ſoyt de pleyne age, directe al vicont pur enquerer de ſon age, & donq;

il

il deuiendra tenaunt al roy per meſme les ſeruyces que ſon aun ceſtor fiſt al roy, mes il eſt dit que cheſcun que paſſera in ceſt in queſt, ſerr' del age des xlii. ans al meins iſſint q̃ il fuit de pleine age al temps que ceſty q̃ ſuyſt le briefe fuyt nee.

Executor eſt, quãt home faire ſon teſtament & darreine volũte & in ceo noſma le pſõ q̃ executera ſõ teſtamẽt donq; ceſty qui eſt iſſint noſme, ẽ ſon executour, et tiel executour auera accion vers cheſcũ dettour de ſon teſtator, et ſi lexecutor, ad aſſets, cheſcun a q̃ le teſtatour fuit in dett auera action vers lex-

ſhall become tenant to ẏ kyng by theſe ſeruices ẏ his auncеſtours made to the kyng, but it is ſayde, that euery one that ſhall paſſe in this inqueſt, ſhal bee of thage of xlij. yeares at leaſt, ſo ẏ hee was of ful age when hee that ſueth ẏ writ was borne.

¶ Executour is, when a man makethe his teſtament and laſte wyll, and therein nameth the perſone that ſhall execute his teſtament, then hee that is ſo named is hys executour, and ſuche an executour ſhall haue an accion againſte euerye dettour of his teſtatour, and yf ẏ executors haue aſſets, euery one to whõ the teſtatour was in det, ſhal haue an actiõ againſt

the

the executour, yf he haue an obligacion or especialtie, but in euery case where the testator myght wage hys Lawe, no accion lieth agaynste the executoure. Looke more therof before in the tytle Administratours.

ecutours sil ad obligation ou especialty, mes en chescun case lou le testatour puissoyt gager son ley, nul action gist vers executour. Vide pluis de ceo deuaunt titulo Administrators.

¶ Exchaunge is where a mā ys seysed af certayne land, and another mā is seysed of other land, if they by a deede indented or without deede, yf the Landes bee in one selfe countie, exchaunge their landes, so that euerye of them shall haue other lādes to him so exchaunged in fee, fee tayle, or for terme of lyfe, that is called an exchaunge, and yt ys good wythout lyuere & seisin. Also, exchaūge it

Exchaunge est lou vne home est seisy de certeine terre. Et vn auter home est seysy de auter terre, si ils per vne fait indente ou sauns fayt, si les terres sount en vne countye, exchaunge lour terres issint que chescun de eux auera auter terre a luyissint exchanuge in fee, fee tail, ou terme de vie, ceo est appel, vne exchāge, et est bon sans liuere et seysyne. Auxi in exchaunge il

couiēt

couient que les eſtats a eux limitte per lexchange ſont egalles, car ſi vne ad eſtate in fee in ſa terre, & lauter ad eſtate in lauter terre forſq; pur term de vie ou en taile dōques tiel eſchange eſt voide, mes ſi les eſtates ſont egalles, & ſes terres ne ſont de egal value, vnc̄ lexchange eſt bone. Auxi vn exchange de rent pour terre eſt bon Auxi exchaunge inter rent & comen eſt bon & ceo couient eſte per fait. Auxi il couient touts foits que ceux parols eſchaunge, ſont in le fait, ou auterment riens paſſa per le fayt, ſinon que il ayet liuere & ſeiſin.

Excommengemēt eſt

beehoueth that the eſtates to them limitted by therchange bee egall, for yf one haue an eſtate in fee in his Lande, and the other hathe eſtate in the other lande, but for terme of lyfe or in tayle, thē ſuche eſchaunge is voyde, but yf the eſtates bee egall, and the landes bee not of egall value, yet the erchaunge is good. Alſo an erchaunge of rēt for Lande is good. Alſo an erchaunge betwene rent and cominē is good and that oughte to bee by dede. Alſo it behoueth alway, that theſe woordes (erchaunge) be in the deede, or els nothing paſſethe by the deede, except that hee haue liuere and ſeyſin.

Excommengement is

to

to saye in latine, excommunicatio, & it is where a man by the iudgement in court christien is accurſed, then he is diſabled to ſue anie action in the kinges courte and if hee remain excommunicate. ri daies and will not be iuſtified by his Ordinarye, then the Byſhoppe ſhall ſende hys letter pattente to the Chaũcellour, and theruppon it ſhalbe commaunded to the ſhiryffe to take the bodye of hym ỹ is accurſed, by a writte called de Excommunicato capiendo tyll hee hath made agreemente to the holie church for the contempt and wronge, and when hee is iuſtified and hathe made greemente, then the biſhop ſhal ſend his letters to the kinge,

adire en latine, excõmunicatio, & eſt lou vn home per la iugemẽt en court chriſtiã eſt excommenge, dõque il eſt diſable de ſuer aſcun action en le court le roy, & ſil remaine excommenge xl. iours, & ne voyle eſte iuſtifie per sõ Ordinary, donq; leueſq; mandera ſa letter patent al Chancellour, & ſur ceo ſerra maũd al vic̃ de prender le corps le xcommenge p vn briefe appell de Excommunicato capiendo, ieſq; il ad fait gree al ſainte eſgliſe pour le contempte & tort, & quaunt il eſt iuſtifye, & ad fait e gree, donque leueſq; maundera ſa letter al roy, certifient ceo, & donq̃s ſerra maunde

al viscount de luy de liuerp vn brief, appel de Excommunicato deliberando.

Execucion est, lou iudgement est done en ascun actyō que le plaintife recouera la terre, le det ou damages come le case est, & quant ascun briefe est garde de luy mitter en execucion, ceo est, appel brief de Execucion, & quaunt il ad le possession de le terre, ou est paye de dette ou dammages, ou ad le corps le defagarde al prison, don que il ad execuciō & si le ple soit en coūty ou courte barron ou hundred & ils alienont le iudgement in fauour del partye, ou per auter encheason,

certifyng the same, and then it shalbe commaunded to ỹ shirife to deliuer him by a writ called Ercōmunicato deliberādo. ¶ Erecucyon is where iudgement is geeuen in any action that the plaintife shall recouer the lād the det or dammages as the case is, and when ani writ is warded to putte him in possession ỹ is called a writ of Erecucion, & when hee hath the possession of the lande or is payde of the det or damages, or hathe the body of the defendant awarded to prison then he hath execucion, and if the plee be in the county or court barron or hundred and theye deferre the iudgemente in fauoure of the partie, or for other cause, then

then the demaundaunt shall haue a wryt of Executione iudicij. Also in a wrzit of Det a man shall not haue recouery of any lande but of the whyche ỹ defendant hathe day of the iudgemente yelded. And of chatteles a man shall haue execucion one lie of the chattels which he hath day of execucion sued.

donq; le demandant auera brief de Execucione iudicij. Auxi en briefe de Det home nauera recouerye de nulle terre mes de cel que le defendaunt auoit ioure de iudgement rendu. Et de chateux home auera execucion solement des chateux queux il auoit iour de execucion sue.

CExtynguyshemente is, wheare anye Lorde or anye other hathe anye rente goynge oute of anye lande and hee pourchasethe the same lande so that hee hathe suche estate in the lande as hee hathe in the rente then the rent is extincte, for that ỹ one maye not haue rẽt going out of his

Extynguishement est lou ascun seignyour ou ascũ auter ad ascun rent issant dascun terre, & il pourchase mesme la terre, issint que il ad tiel estate en la terre, come il auoyte en le rente, donques le rente est extincte pur ceo que vn ne puyt auer rent issaunte hors de son

terre demeſne. Auxy quant aſcun rent ſerra extient, il couyent que le terre & le rent ſount en vne maine, & auxi que leſtat que il ad ne ſoit defeſable, & auxi que il ad auxi bon eſtate en le terre come en le rent, quar ſil ad eſtate en le terr' forſque pur terme de vie ou dans, & ad vn fee ſimple en le rente donques le rent neſt extinct, mes le rēt eſt en ſuſpence pour cel temps & donq; apres le terme le rēt eſt reuiue. Auxv ſi ſoit ſeigniour, meſne & tenāt & le ſeigniour pourchaſe la tenauncye, donque le menealtie eſt extinct, mes le meſne aūa la ſurpluſage de rent, ſi aſcun ſoyt come rent ſeck. Auxi

his own land. Alſo whē anie rent ſhallbe extinct, it behoueth that the land and the rente bee in one hande, and alſo that the eſtate ỹ he hath be not defeſable: & alſo ỹ hee haue as good eſtate in ỹ land as in the rente, for yf hee haue eſtate in the lande but for terme of lyfe or yeares and hath fee ſimple in the rente, then the rent is not extinct but the rente is in ſuſpence for that time, and then after the terme, the rent is reuiued. Alſo if there bee Lord, meſne, and tenant and the Lorde pourchaſe the tenauncye, then the menaltye is extincte, but that meſne ſhal haue the ſurpluſage of the rent, if there bee anye as a rent ſecke. Alſo yf a manne

haue

haue a bye waye appendaunte and after purchase the lande where in the bye waie is, then the waye is extincte: and so it is of a commen appendaunt.

Exigent is a writ and it liethe where a man sueth an action personally, and the defendaunt may not be found nor hath nothing within the county whereby he may bee attached nor distrained, thē this writ shall goe forthe to the Shiryffe to make proclamation at fiue cōties euery one after another that hee appeare or els that hee shal bee outlawed and if hee be outlawed, then al his goods and cattel be forfet to the king. Also in an indytement of felony ỳ exigent

si home ad chimin appendant & puis purchace le terre en q̄ le chimin est dōques le chimin est extinct, & auxi est de vn comen append'.

Exigent est vn brief & gyst lou home sue action personel & le defendant ne puit eē troue ne ad riēs deins le countie per que il puyt este attache ne distrain donques cest briefe issera al vyscōt de faire proclamacyon al. v. counties chef cun apres auter que il appeare ou autrement que il serra vtlage & si soit vtlage, donque touts ces byens & chateux sount forfaits al Roy. Auxi en vn enditement de felony lexigent issera

apres le primer capias & auxy en capias ad computandum ou ad satisfaciendum & en cheſcun capias que iſ ſint apres iudgement lexigent iſſera aps le primer capias & auxi en appelle de morte mes nemie en appell de robbery ou appell de maime.

Ex parte talis vide de ceo deuant titulo accompt.

Ex graui querela vide de ceo deuant titulo deuiſe.

Faux impriſonmente eſt vn brif & giſt lou home eſt arreſt & reſtraine de ſon libertie per vn auter encounter order de lay donques il auera vers luy ceſt briefe per que il recouera damages. vide plus de ceo deuãt

ſhall goe forthe after the firſt capias, and alſo in a capias ad computandum or ad ſatisfaciendum & in euery capias that goeth forth after iugement the erigent ſhal go forth after the firſt capias and alſo in appell of deth but not in appel of robberye or appel of mayme.

Ex parte talis looke therefore before in the title accompt.

Ex graui querela loke therefore before in the title deuiſe.

Faux impriſonment is a writ, and it lieth wher a man is arreſted & reſtrayned from his liberty by another againſte the order of the law, then he ſhal haue againſt hi this writ wherby he ſhal recouer damages. Loke more

thera-

therof before in the title arrest.

Faux iudgement voke therefore before in the title errour.

Fee symple is when landes or rente or other thing inheritable is geeuen to a man and to hys heires for euermore and these wordes his heires make the estate of inheritaunce, for if land be geuen to a man for euer yet he hath but an estate for terme of life. Also yf tenant in fee simple dy, his first sone shalbe his heire but if he haue no sone the al his doughters that he hath shalbe his heir, and euery one shall haue her part, be perticio but if he haue no sonne nor dougter then his next cose collateral of y whole bloud

vitulo arest.

Faux iugement vide de ceo deuant titulo errour.

Fee simple est quát terre ou rêt ou auter chose inheritable est doñ a vn hõe & a ses heires a touts ioures, ceux parolx ses heirs fount lestat' denheritance car si terre soit done a home a touts iours vnquore il nad forsque estate pour terme de vie. Auxy si tenaunt en fee simple deuie son primer fitz serra son heire, mes sil nad fits, donques toutes les fils que il ad serron son heir & chescun auera son parte per particion, mes sil nad fites ne file donques son prochein cosin colater' de lét' sak

ſerra ſon heire. Auxy ſi ſoit pier & fitz & le pyer ad vn frere & le fits purchaſe terre en fee & deuye ſans iſſu donque ſon vncle auera le terre & nemy ſon pyer pur ceo que terre puit lineally deſcende & nemy aſcēd mes ſi luncle deuye ſauns iſſue dōques le pyer aūa la terre cōe heire al vncle que eſt ſon frere pur ceo que il vyent all terre per collateral dyſcent & nemy p lineal aſcēc. Auxy ſi le fites pourchaſe terre en fee ſimple & deuie ſans iſſue ceux de ſon ſanke de partie ſon pyer auera le terre, mes ſil nad heir de pt le pier dōqs le terre dyſcende al heirs de part ſa mere. mes ſi terre dyſcende

ſhall bee hys heire. Alſo yf there bee father and ſōne and the father hath a brother, and the ſonne purchaſeth landes in fee, and diethe without iſſue, then his vncle ſhall haue the landes and not the father, for that the lande may lineally deſcende & not aſcend, but if the vncle die without iſſue, then the father ſhall haue the land as heir to the vncle whiche is his brother for that ỹ he commeth to the land by collateral diſcent & not by lineal aſcencion Alſo yf the ſonne pourchace land in fee ſymple and dye wythoute iſſue they of his bloude on the father ſide ſhall haue the lande, but if hee haue no heire on the fathers ſide, then the land ſhall diſcēd

to

to the heires on the mothers side, but yf landes discende to the sonne on the fathers side and he dieth without issu then the heirs on the fathers side shal haue the lande, but if he haue no heires on ỹ fathers side, the heirs on the mothers side shal not haue the land, but ỹ lord of whom the land is holden shal haue them by eschete, and the same law is if lande discende to the sõne on the mothers side. Also yf there bee manye brethern, and if any one of them purchase lande in fee, and dye wythoute issue, the lande shall discend alway to the eldest brother for that ỹ hee ys most worthye of blonde. Also noe man shall haue land in fee simple by dis-

al fits de part le pyer & il deuie sauns issue donques les heires de parte le pier aueront le terre, mes sil nad heire de parte le pyer les heires de parte le mere nauerõt le terre mes le seygnour de q̃ le terre est tenus les aũ per eschete et m̃ le ley est si terr' discend' al fits de part le mere. Auxi si sount dyuers freres & si ascun de eux pourchase terre en fee & deuye sauns issue le terre dyscendra toutes foites a le pluis eisne frere pour ceo que il est pluys dygne de sank. Auxy nul home auera terre de fee simple per discent come heire a ascun home sinon que il soyte heyre de lentre sanke, car si home

ad

ad iſſue fits et fille per vn ventre. s. p vn fem & fits per auter feme & leiſne frere pourchaſe terre en fee & deuie ſans iſſue le puiſne frere nauera le terre mes la ſore auera la terre pour ceo que el eſt de lentre ſanke al eyſne frere. Auxy en le caſe auãt dit ſi le pier deuie ſeiſie de terre en fee ſimple & leiſne fits entra & murruſt ſauns iſſu la file auera le terre & nemye le puyſne frere, mes ſi leyſne fytes ne entra apres la morte ſon pyere, mes deuye deuaunt aſcun entre pour luy fait, donques le puyſne frere auera la terre car poſſeſſio fratris in feodo ſimplici facit

cent as heire to any mã except ẏ he be heire of the whole bloud, for if a mã haue iſſue a ſonne and a daughter by one vẽter ẏ is to ſay by one wife, & a ſõne by another wyfe, & ẏ eldeſt ſõne purchaſeth land in fee & dieth wout iſſu, ẏ yõger brother ſhal not haue ẏ land, but the doughter ſhal haue ẏ lãd for that ẏ ſhe is of ẏ hole bloud to ẏ eldeſt brother. Alſo in ẏ caſe before ſaid if ẏ father die ſeiſed of lãds in fee ſimple & ẏ eldeſt ſõne doth enter & dieth wout iſſu, ẏ daughter ſhal haue ẏ land & not ẏ yonger brother, but yf ẏ eldeſt ſõne enter not after ẏ deathe of his father but die before anye entre made by him, then ẏ yonger brother ſhall haue ẏ land,

land, for ỹ possession of ỹ brother in fe simple maketh ỹ sister to be heire.

Fee tayle is wheare lande is geeuen to a man and hys heires of his bodye begotten and hee is called tenant in the taile generall, but if landes be geuen to the husband and the wyfe and the heires of theire twoe bodyes, begotten, thenne the husbande and ỹ wife bee tenantes in the taile especiall, and if one of them dye hee that suruiueth is tenaunt in tayle after possibilitye of issue extynct, and yf he make waste he shal not bee impeached for that waste, butte yf landes bee geeuen to a manne and to his heyres that hee en-

sororem esse heredem.

Fee taile est lou terre est don a vn home & a ces heirs de sõ corps engendres, & il est dit tenaunt en la taile general, mes si terre soit done al baron & femme & al heirs de lour deux corps engendres, ore le barron & la femme sont tenantes en le taile especyal. Et si vn de eux deuie cesty que suruiue est tenant en le tayle apres possibilitie dyssue extynct, & sil face waste il ne serra en peche de cel vvaste, mes si terre soyte done a vne home & a ces heyres que il en-

engender de le corps ſō femme donqs le baron eſt tenaunt en le taile eſpecial & la fēe nad riēs. Auxi ſi terre ſoit done al baron & ſa feme & a les heires de corps le baron engendres donques le baron ad eſtate en leſpecial taile & le fēme nad eſtate forſq; pur terme de vie, mes ſi terres ſount done al baron & ſa femme & a les heires queux le barron engender de corps celui femme en ceſt caſe ambydeux ount eſtate en le tail pour ceo que ceſt parols heirs nē lymet a lun plus que a lauter, mes ſi terres ſōt doñ al baron & ſa femme & a les heires le barō queux il engender de corps ſa feme dōques

engendzethe on the body of his wyfe, then the huſbande is tenaunte in the taile eſpecial and the wyfe hathe nothing. Alſo yf landes be geeuen to the huſbande and to his wife, and to the heires of the body of the huſbande engendered, then the huſband hath an eſtate in ẏ eſpecial taile and ẏ wife hathe noe eſtate but for terme of lyfe, but if landes be geeuen to the huſband & his wife and to ẏ heires which the huſbād engendzeth vpon the body of the wife in this caſe both they haue eſtate in ẏ taile for ẏ theſe wozds heires dothe not lymit to one mozethē to another but if lands be geeuen to ẏ huſband & his wife & to the heires of the huſband which he ſhall engender

then

of the bodye of his wyfe thenne shee hathe none estate but for term of life Also there bee dyuers other estates in the tayle, as if lands bee geuen to a man and to his heires males of his body begotten, in such case the issue female shall neuer inherite, for if the issue male haue issue female which hath issue male, yet such issue male shall not inherite by force of the tayle. For it behooueth alway to conueye his discent all bye the males, and the same lawe is, if landes bee geeuen to the yssue female, in suche manner the issue male shall neuer inheryte. Also, if landes be geuen to a man & to his heires males, or to his heirz females, then ỹ donour hath estate in fee

el nad forsque estate pour terme de vye. Auxi sont dyuers auters estates en le taile sicome terres sont dones a vne hõe & a ses heyres males de son corps engendres, en tiel case lissue female ne vnqs inherytera, car si lissue male ad il sue female q̃ ad issue male, vncore tiel issu male ne herytera per force del tail, car il couient tout foits de cõueier son discẽt tout per les males. Et m̃ le ley est, si terres sount dones al issue female en tiel mañ, lissu male ne iammes inheritera Auxy si terres sount dones a vn home & a ses heires males ou ses heires females, dõque le done ad estate en fee simple, pour

ceo

ceo que neſt limit de
que corps liſſue vien-
dra. Mes ſi le roy dõe
terres a vn home & a
ſes heires males, & le
donee deuie ſaunz iſ-
ſue male, donq; le co
ſin collateral del don
ne inheritera, mes le
roy reentra, & iſſynt
fuit aiudge en leſche-
ker chamber. anñ. 18.
H. 8. en vn Informa-
cion fait vers leire de
Syr Thomas Louell
chiualler. Auxi ſi ter-
res ſount dones a vn
home & vne femme
que eſt le file ou le co
ſin le donor en frank
mariage donques le
home & la fẽme ſont
tenauntes en eſpecy-
all tayle, quar p ceux
parolx, fraunkmary-
age, ils auerount le
terre a eux, & les hei
res parenter eux en-

ſimple, for that yͤ it is not
limitted of whoſe bodye
the iſſue ſhal come. But
if the king geeue land to
a man & to his heirs ma-
les, and the donee dyeth
without iſſue male, then
the coſin collateral of the
donee ſhall not inherite,
but the king ſhal reentre
and ſo it was aiudged in
theſcheker chamber the
18. yere of Hy. the. 8. in an
Informacyon made a-
gainſt the heyre of Syr
Thomas Louel knight.
Alſo if lands be geuen to
a man and to a woman
whiche is the daughter
or the coſin of the donour
in franke mariage, then
the man & the womã bee
tenauntes in the taile eſ-
pecial, for by theſe woor-
des (frãk mariage) they
ſhal haue yͤ land to them

and

and to ỹ heires betwene them begotten. Also in euerye gyfte in the tayle, if the tenant in the tayle dye wythout yssu wheych is inheritable by force of tayle, and noe further mencyon made in the graunte to whom the lande shall goe, then the reuersion of fee simple shall reuert alway to the donour and hys heyres. Also the donees in the tayle and theire issues, shall doe lyke seruice to the donour and his heyres, as the donour dothe to the lorde nerte to hym aboue, but the donees in franke mariage shall hold quite from all maner seruice, excepte fealtie, til ỹ foweth degree be past.

¶ Feoffement is where

gendres. Auxi en chescun done en le tayle si le tenaunt en le tail deuie sauns issue, que est inheritable p̄ force del tayle, & nul ouster mencion faiten le graunt a que le terre alera, donques le reuersion de fee simple reuertera touts foyts al donour & ses heyres. Auxy les donees en le taile, & loure issues ferrount tiel seruice al donour & ses heirs, come le donor fayt a son seignioure proscheyn a luy paramont, mes les donees en frank mariage tyendrount q̄uitement de chescun manner seruice sinon fealtye, tanque le quart degree soit passe.

Feoffement ē, lou

vn

vn don terre a vn au ter en fee ſimple, & quant il deliuer ſeiſin & poſſeſſiõ del terr', ceo eſt vn feoffemẽt. Auxi ſi vn faite done en le tail ou leſſe pur terme de vye ou pur term dauter vie, il co uient auxi de doñ lyuere & ſeiſin, ou auterment riens paſſera p̄ le graunt.

a man geueth landes to another in fee ſimple, & when he delinereth lyuerie and ſeiſin and poſſeſſion of the land, that is a feoffement. Alſo, yf one make a gifte in the taile, or a leas for term of life, or of another mans lyfe, it behoueth alſo to geeue liuere & ſeiſin, or els nothinge ſhall paſſe by the graunt.

Fee ferme eſt quant vn tenant tient de ſõ ſeignior en fee ſimple rendaunt a luy le value del moitye ou de tierce party ou quater party ou de auter parte del terre, p̄ an, & q̄ tient en fee fermñ ne doite fayre auter choſe, mes ſicome eſt contein en le feoffmt forſq; fealtye, car ceo appent a touts mañs tenures.

¶ Fee farme is when a tenãt holdeth of his lord in fee ſimple, payinge to him ẏ value of half, or of the third or of ẏ fowerth part, or of other parte of the land, by the yere. And he ẏ holdeth by fee ferme ought to do no other thig then is conteined in ẏ feoffement but fealtie, for ẏ belongeth to al kind of tenures.

¶ Frank-

¶ Franke marriage is, when I geue lande to a man, and his wyfe, who is my daughter, or of my blood in franke marriage. And by vertu of these woordes they shall haue the Lande to them, and to theyre heyres of theire body, whiche is an especial tayle. And I shal do all seruices duryng the same terme to the Lorde of whom &c. And the husband and his wife shalbe accompted in the first degree, and theire yssues in the second degree, and so forth. But it is sayde ỹ the dones in franke mariage shal doe fealte to ỹ donour beefore the iiij. degree is past.

¶ Franke almoigne is where in auncient tyme

Franke mariage est quant ieo don terres a vne home & sa femme, que est ma file, ou de mon sanke in franke mariage & per vertue de ces parolx ils aueront le terre a eux & a les heires de lour deux corps, que est vn especiall taile, & ieo ferra touts les seruys duraunt le dit terme a le seigniour de que &c. et le baron & la femme serront accomptes en le primer degree, et lour issues in le ii. degre, & issint ouster, mes il est dyt que les dones in frák mariage serront fealtie a le donour deuant le quart degree soit passe.

Franke almoygne est lou en auncyent

temps terres fueront dones a vn abb; & ſõ couent, ou a vn dean & le Chapit', & alour ſucceſſours in pure & perpetuall almoigne, ſauns expreſſe aſcun ſeruyce certeyne, ceo eſt franke almoygne & ils ſount tenus deuaunt dieu de fair oraſons & praiers pur lalme le donor & ſes heires, et pour ceo ils ne ferrount fealtie, & ſi tiels que ont terres in franke almoigne ne font aſcun prayers ne deuine ſeruice pour les almes le donour, ils ne ferront p les donors a ceo compelles, mes pur ceo ils poyent cõplain al ordinary, luy prayant q̃ tiel negligẽce ne ſoit pluis auant, & lordi- dinarye de droit ceo doyt faire.

landes were geuen ſo an Abbot and hys couent, oꝛ to a Deane and the Chapiter, an to theyꝛe ſucceſſoures, in pure and ꝑpetuall almes, withoute expꝛeſſinge anye ſeruyce certayne, thys ys franke almoygne, and ſuch are bounde beforꝛe god to make oꝛayſons and pꝛayers foꝛ the ſoule of ꝯ donour and hys heyꝛes, and foꝛ that they doe no fealtie, & yf ſuche that haue lands in franke almoigne doe make no pꝛayer noꝛ deuine ſeruice foꝛ the ſoules of the donours, they ſhal not bee compelled by the donours to do it, but foꝛ that they may complaine to the oꝛdinarye, pꝛaying hym that ſuche negligence bee no moꝛe after, and the Oꝛdynarye of ryghte oughte to doe it.

But

But yf an Abbot &c. holdethe Landes of hys Lorde for certayne deuine ſeruyce to bee done, as to ſing euerye Frydaye a maſſe, or to doe ſome other thynge, yf ſuche deuyne ſeruice bee notidone, the Lorde may diſtrayne, and in ſuche caſe the Abbot oughte to doe fealtye to the Lord, and therefore it ys not ſayde tenure in franke almoygne, but tenure by deuine ſeruice, for non can holde by franke almoygne, yf anye certayne ſeruyce bee erpreſſ. Alſo, yf an Abbot that holdethe of hys Lorde in franke almoygne, altene the Lande to a ſeculer man &c. in thys caſe the ſeculer man ſhall doe fealte to the Lorde.

Mes ſi vne abbe &c. tient terres de ſõ ſeigniour pour certeyne deuyne ſeruice de eſtre fait, come de chaũter cheſc̃ venderdye vn maſſe, ou de faire auter choſe certeyne ſi tyel deuyne ſeruice ne ſoit fait, le ſeignyour puit diſtreiner, & en tiel caſe labbe doit faire a le ſeigniour, fe alte, & pur ceo il neſt pas dit tenure in frãk almoygñ, mes tenure per deuyne ſeruyce, car nul puit tener in franke almoygne ſi ſoit expreſſe aſcũ certein ſeruice. Auxi ſi vn abbe q̃ tient de ſõ ſeignior in franke almoygne, alien a vn ſeculer le terre &c. in c̃ caſe le ſeculer ferra fealtie a le ſeigniour.

Auxi, ſi home a cel iour grant terre a vn abbe in frank almoigne, les parols (frank almoigne) ſont voydes p̄ leſtatute Quia emptores &c. q̄ null ne puit graunt terres in fee, a teñ de luy m̄, mes le roye puit doner a cel iour terres in frank almoigne, & nul ne puit tener terres in frank almoigñ dauter donour, mes per title de preſcripc̄, & le donour que eſt ſon ſeigniour eſt tenus de luy acquit' de cheſcun maner ſeruic̄ de aſcun ſeignior paramount, & ſil ne acquite, mes luy ſuffer deſte diſtreine, il aūa vers ſon ſeigniour vn briefe de meſne, & recoūa vers luy ſes coſtes & ſes dāmages.

Alſo if a man graunte lād at this day to an Abbot in franke almoigne, theſe wordes (franke almoygne) are voyde by ẏ ſtatute. Quia emptores &c. ẏ no man may graūte lande in fee to holde of himſelfe. But the kynge may geue landes at this day in frāke almoigne, & none may hold lād i frāk almoigne of anye other donour but by title of pꝛeſcripcion, and the donour whiche is hys Lorde, is bound to acquite him of euery kynde of ſeruice of anye Lord aboue. And yf he doe not acquite hym, but ſuffer hym to bee diſtrained, hee ſhal haue a writ of Meſne agaynſt his Lord, and recouer agaynſte hym hys coſtes & dammages.

C For

¶ Formedon is a writte and it lyethe where the tenaunt in the tayle enfeoffeth a straunger and dieth, the heyre shall haue a writte of formedon to recouer the lande, but there bee three maner of formedones. One is in the discender, and that is in the case before sayde. Also yf one geeue Landes in the tayle, and for defaute of yssue the remainder to another in the tayle, and that for defaute of suche yssue the lande shall reuert to the donoure, yf the firste tenaunt in taile dye without yssue hee in the remainder shall haue a formedon in the remainder, but if the tenaunte in the tayle dye without yssu, & hee in the remainder also dye wout yssue,

Formedone est vn briefe & gist lou tenaunt en le taile enfeoffa vne estraunge & deuie le heire auera brief de Formedō pur recouer la terre, mes sont trois briefes de formedons, vn est in le discender, et ceo est in la case auantdit Auxi si vn don terre in le taile & pur defaut dissue le remainder a vne auter in la taile & q̄ pur default de tiel issue la terre reuertera al donour si le primer tenant in le taile deuie sans issue cesty en le remaindr' auera vn brief de formedon en le remainder, mes si le tenaunt en le taile deuy sans issue, & cestuy en le remainder auxi deuie sauns issue donques

le donour ou ces hei-
res auera vn formed'
in le reuerter.

Forger de faux faits eſt vne briefe & giſt lou vn forge vn faux fait & le face publier pur trouble la droyt poſſeſſion & tytle daſ cun home dōques le parte greue auera cē bryefe & recouera ſes dammages & la defendant ferra fyne al roye.

Fealtie ſerra fait in tyel maner. s.le tenāt tyendra ſa main dex-
ter ſur vn liuer & dir
ra a ſon ſeigniour, ieo
a vous ſerra foyall &
loial, & foy vous por
tera des tenements q̄
ieo clayme de tener
de vous, & loyal vo⁹
ferra les cuſtomes &
ſeruyces que fayre
vous doye ad termes

than the donour or hys
heires ſhal haue a forme
done in the reuerter.

¶ Forger of fals dedes is a writte, and it lyethe where one forgeth a falz dede & maketh it to be pu
bliſhed for to trouble the right poſſeſſion & title of any mā, thē ỳ pte greaed ſhall haue this writ, and ſhal recouer damages, & the defendant ſhal make fine to the kyng.

¶ Fealtie ſhalbee done in ſuche maner, that is to ſaye ỳ tenaunt ſhal hold his right hande vppon a boke & ſhal ſay to his lor
de. I ſhalbe to you faith-
ful & true, I ſhall bere to you faith for the lands & tenemētz which I clatme to holde of you, & truely ſhal do to you ỳ cuſtomez & ſeruices that I ought to doe

doe to you at the termes assigned, as so helpe me god and all saintes, and shall kys the booke, but hee shall not knele as in doing homage, and therof looke after in the tytle homage. Also fealtye is incident to all maner tenures.

¶ Felony is when a mã without anye coloure of the lawe takethe awaye priuily the goodes of an other to the entente that hys deede shoulde not bee knowen amoũtinge to the value of xij. d. or more, but yf one comenye to the person of another, and robbethe hym of his goodes although theye bee put to the value of a peny it is felony, & yt is called roberye, and for that he shalbe hãged.

assignes si come moy eyd dieu & ses seinctes, et basera la liuer, mes il ne genulera comen il ferront homage & de ceo vide apres en la tytle homage. Auxi fealtye est incident a toutes maners tenures.

Felony est quaunt home saunz ascun colour delaye enbloye priuement les byens vn auter al entent q̃ son fait ne serroyt conus amountaunt al value de xii. d. ou plꝰ mes si vn approcha a le person vn auter & luy robba de ses biẽs mesque ils ne sount forsque al value de vne denier il est felonye & ceo est appell robberye & pur ceo il serra pendu.

Auxi rape eſt felony & ceo eſt quaunt vn rauyſhe & defoyle aſcun femme encontre ſon agreement demeſne.

Fieri facias eſt vne briefe iudiciall & giſt lou home recouera dett ou dammages in court le roy donques il auera ceſt briefe al vicont luy comaundaunt que il leuye le dett & le dammages des biens celuy que ad perdu & giſt toutes foites deins lan & iour, & apres lan luy couient de ſuer vn ſcire facias, & ſil ſoyt garne, & ne vyent al iour &c. ou ſil vyent & ne ſauay rien dire, donques celuy que recouera auera briefe de fieri facias directe al vicount que il face

Alſo rape is felony, and ỹ is when one rauiſheth or deſoyleth any woman againſt her owne will.

¶ Fieri facias is a writ iudicial, & it lyeth where a man recouereth det or dammages in the kyngs courte, then hee ſhal haue this writ to the ſhirife commaunding him that hee leuye the det and damage of ỹ goodes of him that hath loſt, & it lyethe always within a yere & a day, and after the yere he muſt ſue a ſcire facias and yf hee bee warned, & doth not com at the daye &c. or yf hee come, and can ſaye nothing, then he whiche recouereth ſhall haue a writte of fiert facias directed to the ſhirife, that hee make hym

haue

haue execucion of iuge-
ment, but if a man reco-
uer agaynſte a woman
and ſhee take a huſband
within the yeare and the
day, then hee that ſhal re
couer muſte haue a ſcire
facias againſt ỹ huſbād,
ſo it ys yf a man of relt-
gion recouer and dyethe
his ſucceſſour wīn ỹ yea
re ſhāl haue a ſcire fa-
cias. ¶ See therof moze
in the tytle ſcire factas, &
tytle execucion.

¶ Garde is when anye
infant whoſe aūceſtour
holdethe of a Lozde by
knightes ſeruice is in ỹ
warde of the lozde. Alſo
there bee diuers wzittes
of warde, one is a wzitte
of right of warde & that
lyethe where the tenant
dyeth, his heyze wythin
age, and a ſtraunger en-
treth

luy auer execucion
de iudgement, mes
ſi hōe recouera vers
vn femme & el preſt
baron deins lan & le
iour donques il co-
uyent que ceſtye que
recouera auera ſcire
facias vers le baron.
Auxi eſt ſi home de
religiō recouer & de-
uye ſon ſucceſſour de-
ins lan auera Scire
facias. Vide de eeo
plus in la tytle Scire
facias, & tytle Exe-
cution.

Garde eſt quaunt aſ-
cun infaunt que aun-
ceſtour tyent de ſon
ſeignor per ſeruice de
chiualer ē en le garde
ſon ſeigniour. Auxy
ſont dyuers briefs de
garde, vn eſt briefe
de droyt de garde &
giſt lou le tenaunt de
die, ſon heire deyns
age & vne eſtraunge

entra

entra in le terr'et hap pe le garde de corps de lenfant, briefe de- iectment de gard giſt lou hõe teſt ouſte de la gard la terre ſans le corps de lenfaunt, br' de rauiſhemẽt de gard giſt lou le corps eſt priſe de luy ſolemẽt et nient le terre. Auxi ſi vn tenant tient de di uers ſeignours diuers terres celuy ſeignour de que il tient per pri oritie. s. per plus aun- cien tenure auera la garde del enfant, mes ſi vn tenure ſoit auxy auncien que laut' dõ- ques celuy q̃ primers happa le garde del corps auera le garde de ceo, mes in c̃ cas chefcũ ſeignior auera le gard del terre q̃ eſt ten^{y} de luy, mes ſi vn tient de roy in chief donques le roye per

entereth into the land, & happeth to haue the war de of the body of the in- fant, a writ of ejectment of ward lieth wher a mã is put out of the ward of the lande without the bo dy of the infant, a writte of rauiſhment of warde lyeth wher the body is ta ken from him onelye & not the lande, alſo yf a te naũt holde of diuers lor- des diuers landes, ẏ lord of whom the land is hol- den by priorite, that is to ſaye by more elder te- nure, ſhal haue ẏ warde of the infant, but yf one tenure bee as olde as an other, then he ẏ firſt hap peth to haue ẏ ward of ẏ body ſhal haue ẏ warde therof, but in ẏ caſe cũy lord ſhal haue ẏ ward of ẏ lãde ẏ is holdẽ of him, but if a tenãt holde of ẏ

kynge

kyng in chief, thā ẏ king by his prerogatif shal haue the ward of ẏ body, & of all the land ẏ is holden of the king, and of euery other lord.

¶ Garrātie of charters is a writ, & it lieth wher any dede is made ẏ cōprehēdeth a clause of warrātye ẏ is to say dedi or cōcessi, or this word warrātizabo, & if ẏ tenāt be impledid by a strāger, if it be in assise, or suche action wher he may not vouche to warrantie, thē he shal haue this writ against his feffor or his heire: & if ẏ lād be recouēd against him hee shall recouer as much lād in value against him ẏ made ẏ warranty but this writ ought to be sued hanging ẏ first writ against him, or els hee hath lost his aduaūtage.

son prerogatiue auera le garde de corps et de tout le terr' que est tenus de roye et de chescun auter seignour.

Garrantie des charters est vne br' et gist ou ascun fait q̄ comp̄hend clause de garr' s. dedi ou concessi ou ceest parol warrantiza bo et le tenaunt soit implede p vn estrāge si soit in assise ou tyel action ou il ne puyt vouch a garrant, dōq; il auera ceest br' vers son feoffor ou sō heir et si terre soit recouer vers luy il recoūa tāt del terre in valu vers cestye q̄ suist le garr. mes ceest brief couiēt este sue pendaunt le priū briefe vers luy ou auteriūt il ad gde son auauntage.

Auxi

Auxi ſur garrante en ley come ſur homag anceſtrell ou rent reſerue ſur leſſe a terme de vie ou en le tayle home auera briefe de garr' de charter, mes nemy ſur eſchange.

Garrantie eſt in ii. maners.s. garrauntie liniall & garrauntye collaterall. Garrantie lineall eſt lou hõe ſeyſye in fee, fayt feoffement per ſon fait a vn auter & oblyge luy & ſes heires a garraunt & ad iſſue fytes & murruſt & le garrauntie deſcende a ſõ fits, ceo eſt lineall garrauntie pour ceo que ſi nul fait oue garrantye vſt eſte fait donques le droit des terres diſcenderoyt all fits & il conueyeroyt le diſcent de le piere

Alſo vpõ a warrãtie ī ỹ law, as vppõ homage aũceſtrel or vppõ rẽt reſerued vppõ a leſſe for term of life or in ỹ tayle a mã ſhall haue a writ of warrãtie of charters, but not vpon eſchange.

¶ Garrantie is in two maners, ỹ is to ſaye garrantie lineal and garrãtie collateral. Garrantie liniall is where a mã ſeiſed in fee maketh a feoffement by hys deede to an other and bindethe hym and his heices to warrãtie and hath yſſue a ſonne & dieth & ỹ warrantie deſcẽdeth to his ſonne ỹ is liniall warrãtie for ỹ ỹ if no dede w̃ warranty had be made, thẽ ỹ right of ỹ landes ſhould haue diſcended to the ſonne, & he ſhoulde conuey ỹ diſcent from the father to ỹ

ſonne

but yf the tenaunt in the tayle discontinue the tayle and hath yssue & dieth, and the vncle of the yssue releaseth to the discontinue with warrantie &c. and dyeth without issue, that is a collaterall warrantie to the yssue in the tayle, for ẏ, ẏ ẏ warrãtie descẽdeth vpõ ẏ issue the which maye not conueye him to ẏ taile by meane of hys vncle, & in euerye case where a mã demaũdeth landes in fee tayle by writ of Formedone, yf any of the yssue in the tayle whiche hathe possession, or whiche hathe not possession maketh a warrantie, and hee that suethe the writte of Formedone maye by possibilitye by matter that may bee in that deede conuey

a le fits, mes si tenant en le tail discontinua la tayle, & ad issue & deuye, & luncle del issue relessa al discontinue oue garraunte &c. et moruſt sauns issue, ceo est collaterall garraunty al issue en le tayle, pour ceo que le garraunty discende sur lissue, le q̃l ne poit soy conueyer a le taile per le mean de son vncle. Et en chescun case ou hõe demaunda terres en fee tayle per bryefe de Formedon, si ascũ del issue en le tayle que auoyt possession ou que nauoit possession fait vn garranty & cesty que sua le br' de Formedon puyt per possibylitye per ter que puyssoyt este in fayt conueyer a luy

a luy title p force del done p celuy q̃ fyst le garrantie &c. ceo est donq; vn line al garrantie, et p tiel lineall garrantie, lissue in le taile ne serra barre, mes si non que il ad assets a luy descend⁹ in fee simple. Mes sil ne puit p nul possibilitie que puit este, cõueyer a luy tytle per force del don p celui qui fist le garraunty, dõq; ceo est vn collateral garrantie, et per tiel collaterall garrãtie, lissue in le tayl serra barre sauns ascun assets. Et le cause que tiel collaterall garrãtie est barre al issue in le tayle, est pour ceo que touts garranties deuaunt lestatute de Gloucester, queux descendaunt a ceux

to hym tytle by force of ỹ gyfte by hym ỹ made the warrantie &c. that is thã a lineal warrantie, & by such a lineal warrãtie, ỹ issue in the tayle shal not be barred, except ỹ he haue assets to him discẽded in fee simple. But yf he maye not by no possibilitie ỹ may be, cõuey to hi title by force of ỹ gyft by him ỹ made ỹ warrãtie, then that is a collateral warrantie, and by suche a collateral warrantie, ỹ yssue in the tayle shalbee barred without anye assets. And the cause that suche a collaterall warrantie is a barre to the yssue in the tayle is, for that, that all warranties before the statut of Gloucestre, whiche descended to them whiche bee heyres

res to them that made ẏ warranties, were barres to the same heyres, to demaunde anye landes, except the warrantye, ẏ began by dysseysin, and for that, that the sayd statute hathe ordeyned, that the warrantye of the father shalbee no barre to hys sonne for the landes whiche come of the heritage of the mother, nor the warrantie of the mother shalbee no barre to the sonne for the landes whiche come of the heritage of the father, and ẏ statute hathe not made, nor ordeyned remedye agaynste the warrantie that is collaterall, to the yssue in the tayle, and therefore the warrantie that is collaterall to the yssue in the tayle, is yet

q̃ux sõt heires a eux q̃ fesoyent les garrauntyes fuerount barres a mesme les heires a demaunder ascuns terres forspryse les garrantyes que commense per dysseysine, et pour ceo que le dit estatute ad ordeyne que le garrantie le piere ne serra barre a son fites pour les terres que veygne del heritage le mere, ne garraunty le mere ne serra barre al fites pour les terres que veygne del herytage le pier, et lestatut nad fayt ne ordeyne remedye encounter le garrauntye que est collaterall al yssue en le tayle, et pour ceo le garrauntye que est collaterall al yssue en le tayle, vncore est

in

in sa forc̄ & serr' barr al issue en le taile cōe il fuit deuant lestatut Auxi il couyent que toutes garranties per que ascun heire serra barre, que le garrante descende per cours del comē ley a celuy qui est heire a luy qui fist le garr' ou autrement il ne serra barre car si le tenaunt in le tayle des terres in borowengliſh lou le puisne fits inheriter per la custome discontinua le taile & ad issue deux fitz, & luncle releas al discontinue oue garrauntye & deuye, & le puisne fits porte Formedone, vnquore il ne serra barre par tyel garrauntye, causa qua, supra. Auxy si ascun home fayt ascun fayt

in his force, & shalbee a barre to the yssue in the taile, as it was before ỹ statute. Also it behoueth ỹ al warrāties whereby any heyre shalbe barred, ỹ the warrātie discēd by ỹ course of the cōmē law to him which is heyre to him ỹ made ỹ warrātie, or els it shalbe no barre, for yf the tenāt in ỹ taile of landes in borowe English, where the yongest sonne shall inherite by ỹ custome discontinueth ỹ tayle, and hathe yssue .ij. sonnes, and the vncle releaseth to the discontinue with warrantie & dieth, and the yonger sonne bryngeth a Formedone, yet hee shall not bee barred by suche warrantie, causa qua supra. Also yf anye mā make any dede

with

wich warrantie wherby hys heire should be barred, and after hee ỹ made the warrantie bee atteit of felonye, than his heire shall not be barred by suche warrantie, for that ỹ suche warrantie might not discẽd vppõ him, for ỹ that the bloude is corrupt. Also yf ỹ sonne purchase landes, & after let the landes to hys father for terme of yeres, and ỹ father by his dede enfeoffeth a straũger, & bindeth him and his heire to warrantie, & the father dieth wherby ỹ warrãtie descẽdeth to ỹ sonne, yet thys warrãtie shall not barre ỹ sonne, but ỹ sõne maye well enter notwithstãding thys warrantie, for that that thiz warrantie begã by disseisin whẽ ỹ father

oue garrantie, per q̃l son heire serroit barr & puis cesty que fist le garrãtie soit attait de felony, donq; son heire ne serra barre p̃ tiel garrantie, pur ceo que tyel garraunt' ne puit discẽder sur luy, pur ceo que le sanke est corrupt. Auxi si le fits purchase terre, & puis lessa le terre a sõ pier pur terme dans, & le pier per son fait de ceo enfeoffa vne estraunge, & oblyge luy & ses heires a garrant', & le pier deuie, p̃ quel le garrant' discende al fits, vnc̃ cest garrant ne barra my le fits, mes le fits bien puit entre nyent obstant cel garr' pour ĉ que cest garrauntye commensast per disseysin, quaunt le pier

fist le feoffement que fuit vn disseisin al fits & cõe est dit le pier, issint puit este dit de chescũ auter auncestour. Et m̃ le ley est, si tenant p Elegit, ou p statute marcstaunt fait ascun feoffemẽt oue garrauntie, tyels garranties ne serront barres, pour ceo q̃ ils cõmẽsont p disseisin.

Gager de deliuerance est, lou vn sua repleuin des bñs prise mes il nad deliũe des biẽs, & lauter auowa & le pleintife monstre q̃ le defend' é vn cõre seisie &c. & pria que le defendant gagera deliuerance, dõques il mittera eyns suertie ou pledge pur redeliueraunce, & br' issera al vicount pur

made ỹ feoffemẽt which was a disseisin to the sonne, and as it is saide of ỹ father, so it maye be saide of euerye other auncestour. And the same lawe is, if tenaunt by Elegit, or by statute merchaunt make a feoffement with warrantie, suche warrãtise shall bee no barris because they begin by disseisin.

¶ Gager de deliuerance is, where one sueth a repleuin of goodes taken, but hee hathe not the deliuerye of the goodes, & the other auoneth, and the pl' sheweth, ỹ ỹ def. is yet seised &c. and prayeth that the def. shall gage the deliuerance, than hee shal put in suertie or pledges for the deliuerãce, and a writte shal goe foorthe

foorth to the sherife for to redeliuer ẏ goodes &c. but yf a man claime pro pretie, hee shall not gage the deliuerance. Also yf he say that the beastes be dead in the pounde, hee shall not gage &c. Also a man shall neuer gage ẏ deliuerance beefore that theye bee at yssue, or demurrer in the lawe as it is sayde.

¶ Garnishment is, if actiõ of detinue of charters be brought against one, & the def. saith ẏ the charters wer dliuered to him by the pl. and by an other vpon certain condicions, and prayeth that ẏ other may be warned to plede with the pl. yf the condicions bee performed or no, and thereupõ a writ of Scire facias shall goe

redeliuer &c. mes si home claime pperty il ne gagera delyueraunce. Auxi sil dyt q̃ les auers sont mort en pound, il ne gagera &c. Auxi home ne gagera iammais le deliueraunce auant que ils sont a issue ou demurrer a ley vt dicitur.

Garnishement est, sicome vn action de detinue des charters est port vers vn, & le defendant dit que les charters fueront deliuer a luy p le pleintife & p vn auter sur certeine conditions, & preye qne lauter soyt garnye de pleder oue le pleintyfe si les condicions sont perimples ou nemye, & sur ceo vne briefe de Scire facias issera

vers luy,& ceo est appell vn Garnisheñt.

Graund Cape,vide de ceo aps titulo Petit Cape.

Graunde serieantie est lou vne home tient de roy certeyne terres per le seruyce de porter son banner ou laũce, ou amesner son hoste, ou destre son caruer ou butteler a son coronement & tiels semblables,& ceo est la pluys honorable seruyce & pluis digne,que le tenaunt puit faire, et pur ceo est appelle Graunde serieauntie,mes Petit serieauntie est, quant vn tient de roye luy rendant annuelment vn arke, vne coteau, vn launce,& tyels sẽblables, et cõ nẽ forsq;

forth agaynste hym, and that is called Garnisheement.

¶ Graund Cape,loke therefore after in ỹ tytle Petit Cape.

¶ Graund serseantie is, where a man holdeth of the kynge certaine lande by the seruice of carying his banner or launce, or to leade his hoste,or to be his caruer, or butler at his coronacion, and that is the moste honorable seruice and most worthy that a tenaunt may doe, and for that it is called graund serieauntie. But peti serieauntie is when one holdeth of the kyng, paying to hym yerelye a bowe,a sword, a speare, and suche like, and that is but sotage in effecte,

but

but a man cannot holde in graund serieaunte or by pety serieãty but of ẏ king. Also yf a tenaũt by graund serieauntie dieth his heire being of ful age the heyre shall paye to ẏ kynge for reliefe the value of the landes ouer ẏ charges that hee payethe to the kynge by graund serieauntie, but hee that holdeth by Escuage shal haue for hys reliefe but C.s. Also those that bee in the marches of Scotlande, that holdethe of the king by cornage, that is, to blowe a horne whẽ the Scottes enter into Englande, are tenantes in graũd serieaũtie. Also where a man holdeth of the kynge for to finde a man in his warres with in the realme, that is cal-

socage en effect mes hõe ne puyt tener in grand serieantie ne ꝑ petit serieantie sinon de roy. Auxi si tenant ꝑ grand serieanty morust sõ heire desteant de plein age, leire paiera al roy pur reliefe le value des terres ouster les charges que il pay al roy par graũd serieantie, mes cesty q̃ tiẽt ꝑ escuage paiera pur son relief forsque C.s. Auxi ceux q̃ sont en l'marches de Scotland que tient de roy per cornage.s. pur vẽtiler vn corne quant les Scottes entrount in Engleterre sont tenants per grauud serieantie. Anxi ou vne hõe tient de roy pur trouer vne hõe en sa guerre deins le realm

ceſt eſt dit grand ſergeantie, pur c̄ q̄ il eſt fait p̄ corps dun hõe, & ſi le tenãt ne puyt trouer hõe de faire c̄, donq; il eſt tenus de faire luy m̄. Et q̄ tyẽt p̄ grand ſerieanty tyent p̄ ſeruice de chyualer & le roy auera gard mariag & relief mes nemye cenx que tyent p̄ petit ſergeantie, mes le roy nauera de eux q̄ tient p̄ grãd ſerieantie, eſcuage ſinon q̄ ils tient p̄ eſcuage, iiſſint ceux q̄ tyẽt p̄ grand ſergeante ou eſcuage tiẽt p̄ ſeruice de chiualer, mes vne puit tener p̄ grãd ſergeantie & nemy per eſcuage, et p̄ eſcuage & nemy p̄ grand ſerieantie, mes ceſt eſt eſcuag nõ certein & le ſeruice de chiual' toutes foites treite a luy

led graunde ſergeantie, for ẏ that it is done by a mans body. And yf ẏ tenãt cánot find a mã to do it, thẽ he is boũd to doe it himſelf. And he ẏ holdeth by graũde ſerieãtie holdethe by knightes ſeruice, & the kinge ſhall haue warde mariage & relife, but not of thẽ ẏ holdethe by petit ſerieantie, but ẏ king ſhal not haue of thẽ ẏ hold by graũd ſeriantẏ eſcuage, except that they hold by eſcuage. So they ẏ hold by graũd ſerieãtie or eſcuage holde by knightz ſeruice, but one may holde by grand ſerieauntie & not by eſcuage, & by eſcuage, & not by graund ſerieãtie, but ẏ is eſcuage not certaine, & ẏ knights ſeruice alwaẏs draweth to hym warde mariage

and relife.

¶ Habere facias ſeiſinã is a writ iudiciall, and yt lieth where one hath recouered certain lands in the kings court, then hee ſhal haue that writ directed to the ſhirife cõmaunding hym to geeue hym ſeiſin of the land, & it ſhal not bee returnable.

¶ Homage aunceſtrel is where a man and hys auncẽſtours of tyme oute of mynde did holde their lande of theyre Lorde by homage. And yf ſuche Lorde hath reſceiued homage, hee is bounde to acquite the tenaunte against all other Lordes aboue hym of euery maner ſeruice. And yf the Tenaunte hathe doone homage to hys Lorde, and bee impleded and

gard mariag & relief.

Habere facias ſeyſinam, eſt vn brief iudicial & giſt lou vn ad recouer certeĩ terres en court le roye dõq; il auera ceſt briefe direct al vicont luy cõmandant de doner a luy ſeiſin de terre, & ne ſerra retournable.

Homage auncẽſtrel ẽ lou vn home & ſes auncẽſtour de temps dount memorye ne courge, ount tenus la terre del ſeignour p homage, & ſi tiel ſeigniour ad reſceu homage il eſt tenus de acquiter le tenãt vers touts auters ſeignors paramõt luy de cheſcun manner ſeruice. Et ſi le tenant ad fait homage a ſon ſeygnor & ſoit implede &

vouch le ſeigniour a garranty, le ſeigniour eſt tenus de luy garranter, & ſi le tenant ꝑde il recouera in value vers ſon ſeigñ tát des terres q̃ il auoit al temps de la voucher ou vnq; puis, mes ſi le ſeigñ nauoit reſceue le homage de ſon tenant donq; ſi il vouche le ſeigñ q̃ diſclam̃ donq; ſon ſeignoury ſerra extinct & le tenant tiendra de ſeigñ prochein paramont, mes vne abbe que eſt tiel ſeigñ ne puit dyſclaime, meſq; que il nad reſceu le homag de ſon tenant. Auxi ſi hõe que tiẽt ſa terre ꝑ homage auncẽſtrell alien le terre en fee, donq; la alienee ferra homage a ſon ſeignour, mes il ne

voucheth ẏ lorde to warrantie, the lord is bound to warrant him, & yf the tenant loſſe, he ſhal recouer in value againſt the lord ſo muche of ẏ lands as he had at the time of ẏ vouch. or any time after, but if the lorde hathe not reſceiued homage of hys tenaunt, then yf hee vouche the lorde that diſclaymethe, then his lordſhip ſhalbee extincte, and the tenant ſhall holde of the lorde nexte aboue, but an abbot whiche is ſuche Lorde caunot diſclayme though that he hath not receyued homage of hys tenaunt. Alſo yf a man ẏ holdeth his lãd by homage auncẽſtrel alien the land in fee, thẽ ẏ alienee ſhall do homage to hys Lorde, but hee ſhall not

holde

holde by homage auncestrel, for that the continuaunce of the tenaunsy in the blod of the first tenãt is discontinued. Also yf a man ỹ holdeth by homage do homage to his lord & after the lorde dieth, or graunteth his seruice to an other, then the tenant shal doe no more homage to the sonne of his lord nor to the grauntee, but hee oughte to doe fealty, for ỹ is incident to euery seruice. Also yf suche a tenaunt hathe done homage and the lord is impleded of hys seignourie, & leeseth it, thẽ the tenaũt shalbee compelled once agayne to do homage to hym that recouereth, for that that the estate of hym whiche receyued ỹ firste homage is deseted.

tyendra per homage aunceſtrel pur ceo q̃ le continuaunce del tenancy in le ſank le priñ tenaunt eſt dyſcontinue. Auxi ſi hóe que tient perhomage fait homage a ſõ ſeignor & puis le ſeignor deuie, ou grant ſõ ſeruice a vne auter dõq; le tenant ne ferra homage auterfoites a le fits le ſeignior ne a le grante, mes il couyẽt de faire fealtie car il é incident a cheſcũ ſeruice. Auxi ſi tiel tenãt ad fait homage & le ſeignñ é implede de ſõ ſeignoury & pdu, dõques le tenaunt ſerra compell de faire homage auterfoits a cẽi que recouer pur ceo que leſtate ceſty que reſceiuoit le priñ homage eſt defete.

Ho-

Homage ſerra fait in tiel maner.s.le tenant in fee ſimple, ou fee taile q̄ tient p̄ homag genulera ſur ábideux genus,& le ſeigniour ſeera & tyendra les mains ſon tenant inter ſes mains & le tenát dirr. Ieo deueign̄ voſtre hõe de cẽ iour in auant deuye & de member & de terran honor,& a vous ſerr' foial & loial, & foyal vous portera des terres q̄ ieo claim tenure de vous,ſalue le foye q̄ ieo doy a noſtre ſur̄ le roy, et donques le ſeigniour iſſint ſeant luy baſera, mes com̄t fealtie ſerra fait, vide deuant in fealtie & le ſeneſchal le ſeignour puit prender fealtye mes nemy homage.

¶ Homage ſhalbe made in ſuche maner,that is to ſay ꝑ tenaunte in fee ſimple or fee tayle that holdeth by homage ſhal kneele vpon both his knees,& the lord ſhal ſit and ſhall holde the handes of his tenaunt betwene his handes,& the tenãt ſhall ſay. I becom your man-from this day forwarde of life & member & of yearthlye honour, and to you ſhall bee faithful and trewe, & ſhall bere to you faith for the landes that I clayme to holde of you, ſauing ꝑ fayth that I owe to oure Lorde the kyng, and thã the Lorde ſo ſitting ſhall kiſſe hym, but how fealtie ſhal bee done loke before in fealte,and the ſtewarde of the lorde maye take fealte but not homage.

Join

¶ Iointenaũtes be wher ij.men com to any lãdes & tenementz by one ioint title, as if a mã giue lãds to ij.mẽ & to their heires, but tenaunts in comẽ be where ij.men haue lãds by ſeuerall tytles, and none of them knowethe hys ſeuerall as it ſhalbee ſayde after, and note well yf there bee two or three iointenauntes, and one hathe yſſue & dyeth, than hee and thoſe iointenants that ouerlyue ſhal haue the hole by the ſurvyuour, but yf ij.iointenants make partiction betwene them by dede by agreement, then they be ſeuerall tenants, but yf one iointenãt graũt that that belõgeth to him to a ſtrãger, thã ỹ other ioitenãt & ỹ ſtrãge bee tenãts

Iointenauts ſont lou deux hões vient a aſc̃ terres ou tenementes p vn ioint title, come ſi hõe done terre a ii. homes & lour heires, mes tenants in comẽ ſont lou deux homes ont terres per ſeueral title & nul deux ſauoye de ſon ſeuerall cõe ſerra dit apres, & nota ſi ſount ii. ou iii. iointenãtes et vne ad iſſue & deuye donq; ceſty ou ceux iointeñ q̃ ſurueſq; auera lentiertie p le ſuruiuour, mes ſi ii. iointenaunts ſount particion inter eux per fait per agreement, dõq; ils ſõt ſeueral tenants, mes ſi vn iointenant grant ceo que a luy apiert a vn eſtranger, donq; lauter ioyntenaunt & le ſtrange ſont tenantes

en

en cõen, & meſque ii. tenants en cõen ſont ſeiſi per my & p tout & nul conuſt ſon ſeueral, vnē ſi vn deuy lauter nauera lentiertie p ſuruiuor, mes ſõ heire aũa la moitie, & iſſint ſi ſont iii. ioynte nauntes & vn de eux fait feffement de ceo parte a vn auter & le feffe deuy donq; ſon heire auera le tierce parte & les auters ii. ſont iointenantes cõe ils fueront pur ceo q̃ eux ſont ſeiſie per vn ioint title. Auxi ſi terre ſoit done al baron & ſa femme & le baron alien & deuye le femme recouera lentierty mes ſi ils fuerõt ioyntenauntes deuãt le couerture dõques en tyel caſe el recouera forſq; le moitye

in comen, and though ỹ. tenaũts in comen be ſeiſed by part and by ỹ hole and non knoweth his ſeueral yet yf one dye, the other ſhal not haue the whole by the ſuruiuour, but his heire ſhal haue ỹ halfe, and ſo yf there bee iij. iointenantes and one of them maketh feffemẽt of his parte to another, & the feffee dyeth, than his heyre ſhall haue the third parte, and the other ỹ. be iointenauntes as theye ſwer, becauſe that they ỹ. be ſeiſed by a ioint tytle. Alſo yf landes bee giuen to the baron and to hys wyfe, and the huſbande alieneth & diethe, ỹ wife ſhall recouer the whole, but if theye were ioyntenauntes before the couerture, then in ſuche caſe

ſhee

shee shall recouer but ẏ halfe. Also yf landes bee geeuen to the husband & to his wife, & a third person, if ẏ third graūt that ẏ belōgeth to him, ẏ one halfe passethe by this graunt, for that, that the baron and hys wyfe bee but one person in ẏ law, & in this case theye haue nothinge in ryghte but ẏ halfe. Also if two ioyntenauntes bee of landes in a towne whiche is bo rowe englisth, wher lāde is deuisable, & one by his testament deuiseth that, that belongeth to him, to a stranger and dieth, thiz deuise is voide, & ẏ other shal haue ẏ whole by suruiuour, for ẏ the deuise may not take effect, til after ẏ death of ẏ deuisor, & immediate after ẏ death

Auxi si terre soit don al baron & sa femme & al tierce, si le tierce graunt, ceo que a luy appiert, la moity passa per cel graunt, pur ceo que le baron & la femme sont forsq; vne person en le ley, & en cē case ils nont en droyt forsque le moitie. Auxy si deux iointenauntes sount des terres en vyll que est borowe englyshe. Iou terre est deuysable, & lun per son testament deuyse ceo que a luy apiert a vn estraunge, & deuye, cest deuise est voide, & lauter auera lentiertie per suruiuoure, pour ce que le deuise ne puit preder effect tanque apres le mort le deuysour, & immediate apres le morte

le

le deuiſor, le droit de uient al auter ioynte-nant per le ſuruiuour le quel ne claime ry-ens per l' deuiſor, mes en ſon droit demeſne per le ſuruiuour, mes auterment eſt de par ceners ſeiſies des ter-res deuiſables, cauſa qua ſupra.

Indicauit eſt vn br' & giſt lou debate eſt parenter deux clarks in court chriſtien dū eſgliſe, ou part de vn eſgliſe per diſmes que amount al meins a le value de la quart par tye del eſgliſe, & pur ceo que le patrone del clerke defendant perdra ſon aduowſō ſi le clerke le pleintif la recouera, donques il auera briefe direct al clerke le pleintyfe,

of the deuiſor, the righte commethe to the other ioyntenant ſuruiuour, ỹ whiche claymeth nothig by the deuiſour but in his owne righte by the ſuruiuour, but other wiſe it is of parceners ſeyſed of lā des deuiſable, cauſa qua ſupra.

¶ Indicauit is a writte, and liethe where debate is betwene two clerkes in courte chriſtian of one Churche, or parte of a church, for dyſmes which amounteth at the leaſte to the value of the tiȝ. parte of the Church, and for that that the patrō of the clerke of def. ſhal leeſe hys aduowſon yf the clerke of the pleintif ſhal recouer it, hee ſhall haue a writte directed to the clerke of the pleynt, or to

the

the officers of the courte chriſtian, them commaũdinge to ceſſe theyre plee vntill it is diſcuſt in the Kinges courte, to whom the aduowſon belõgeth, and the writte ſhalbee betwene fowre perſons, two ſhall bee patrones, and two ſhall bee clerkes, but thys writte is not retornable, but yf they ceſſe not theyr ſuit, hee ſhall haue an Attachement.

ou al officers d'court chriſtien, eux commaundaunt de ceſſer de lour plee, ieſques il eſt diſcuſſe in court le Roye a que laduowſon appent, & ceſt briefe ſerra inter quatre perſonnes. ii. ſerrount patrones, & ii. clerkes, mes ceſt briefe neſt retournable, mes ſils ne ceſſont lour ſuyte, il auera vne Attachement.

¶ Idemptitate nominis is a writte, and it lyeth wher a writte of dette, couenaunt, or accõpt, or ſuche other writte is brought agaynſte a mã, and an other that hathe the ſame name as the defendant hathe ys taken for hym, then hee ſhall

Idemptitate nominis eſt vne briefe, & giſt lou briefe de dett Couenaunt, Accõpt, ou tyel ſemblable br' eſt porte vers vne home, & vne auter que ad meſme le noſme come le defendãt ad, eſt pris pour luy donques, il auera

ceſt

ceſt briefe, per quel le viſcount fra inquere deuaunt iuſtice aſſignes in meſme le coũtye ſi ſoit m̃ le perſon ou nemy, & ſil ne ſoit troue culpable, donques il aler ſans iour in peace.

Ley, eſt quant actiõ eſt port vers vn ſans especialtie mõſtre ou auter matter de recorde, come actiõ de dett ſur vn contracte ou detinue, donques le defendaunt puit gage ſa ley ſil voyle. s de iurer ſur vn lyuer & certeine perſones oueſque luy, q̃ il doit riens al pleintife in le maner & fourme cõe il ad declare, mes en action de dett ſur vn leſſe pur terme dans, ou ſur arrerages de

haue thys wrytte, by the whiche the ſheriſe ſhall make inquire before ỹ iuſtice aſſigned in the ſame countie, if hee bee the ſame perſon or not, & yf hee bee not found culpable, then hee ſhal goe wõute daye in peace.

¶ Ley, is when an actiõ is brought agaynſte one wout eſpecialty ſhewed, or other matter of recorde, as an actiõ of det vpõ contracte or detinue, thẽ ỹ def. may wage his law that is to saye, to ſweare vpon a boke and certain perſons with hym, ỹ hee oweth nothig to ỹ plaintife in maner & fourm as he hath declared, but i an actiõ of det vppõ a leaſe for terme of yeares, or vppon the arrerages of accom

accompte beefoze audy-
tours assigned, a manne
shall not wage his law.
But whenne one shall
wage his lawe, hee shal
bring wyth hym. vi. viij.
or. xij. of his neighbours
as the court shal assigne
him, to sweare with him
And if at that day assig-
ned hee fayle of his law,
then hee shalbe condemp
ned.

de accompt deuaunt
auditours assigne, hõe
ne gagera sa ley. Mes
quaunt vne gagera sa
ley, il amesnera oues-
que luy. vi. viij. ou. xij
de ses vicines, cõe le
court lui assignera de
iurer oues; luy, & si
al iour assigne, il faut
de sa ley, donq; il ser-
ra condempne.

¶ Leases bee in dyuers manners, that is to saye foz tearme of lyfe, foz terme of yeres, foz terme of anothers lyfe, and at wil. Also a lease of lande is as good without deede as withe deede but in a lease foz terme of life, it behoueth to geue liuerie and seisin vpon the land, oz els nothing shal passe by the graunt, because ỹ

Leases sont en diũs maners. s. pour terme de vie, pur terme dãs, pur terme dauter vie & a volunte. Auxi vn leas de terre est auxy bone sauns fait come per faite. Mes en leas pur terme de vye ou dauter vie, il couyent de doner liuere & sei sin sur le terre, ou au-terment ryens passe-ra per le grant, pur c̃

que ils ſount appelles franktenemẽts. Auxy vn leas de vn commẽ ou rent, ne poiet eſte bone ſans fait, mes de vn pſonage il eſt bon ſans fait, pur c̃ que leſ gliſe q̃ eſt pryncipall, puit aſſettes bñ paſſer ſauns fait, & iſſint les diſmes & offerings q̃ ſont acceſſory al eſgl' mes dyſmes & offerings per ſoy, ne poyent eſte leſſes ſãs fayt vt dicitur.

they be called freeholds. Alſo a leas of a commen or rent, may not be good without deede, but of a perſonage, it is good wout deede, for that ỹ the church which is the prin cipall, may paſſe well ynough without dede, and ſo the dyſmes and offe-ringes whiche bee acceſ-ſarie to the churche, but diſmes & offeringz by thẽ ſelf may not be let wout dede as it is ſaid.

Libertate probanda, Vide de ceo en le tytle de Natiuo habendo.

Libertate prohanda, loke for that in the tytle de Natiuo habendo.

Mainpriſe eſt quant vn home eſt arreſt p Capias, donq; les Iudges poiẽt deliuer ſon corps a c̃tain homes pour garder & de lui ameſn̄ deuãt eux a c̃-taine iour, & ceux ſõt

¶ Maynprize is when a man is arreſted by Capt as, then the Iudges may deliuer hys bodye to cer-taine menne for to kepe and to bringe him before thẽ, at a certain day, and

theſe

these be called mainpernours, and if the partye appeare not, at the daye assigned, the maineper-nours shalbe amerced.

¶ Maynetenaunce, is a writ, and it liethe where ante man gecueth or deliuerethe to another that is playnetyfe or defendaunt in anye action, anye summe of moneye or other thing for to maintaine his plee, or els maketh extreme laboure for him when hee hathe nothing therewith to doe, then the partye greeued shall haue againste hym this writ.

¶ Mesne is a writ, and it lieth where there be lord mesne & tenant, and the lorde aboue distrainethe the tenaunt for ỹ seruice of the mesne, whiche oughte tacquite him to ỹ

appels maynpernors, & si le partye ne appere al iour assigne, le mainpernours serrõt amercye.

Maintenaunce est vn briefe, & gist lou ascun home done ou deliuer a vne auter q̃ est playnt' ou def.en ascun acc̃ ascun sõme dargẽt ou aut' chose pour mainteiner son plee, ou fait extreme labour pur luy quant il nad ryens a ceo affayre, donques lauter partye greeue, auera vers luy cest brief,

Mesne est vn brief, & gist lou sont seigni our, mesñ & tenãt, & le seigniour paramõt distreiñ le tenant pur les seruice le mesne q̃ luy doyt acquite al

ſeigniour paramont, donq; le tenant auera ceſt brief vers le meſne, & ſi il ne vyēt pur acquiter le tenant, dō que le meſne perdra les ſeruice le tenaunt & ſerra foriudge de ſon ſeigniory, & le tenant ſerra tenant immediate al chief ſeigniour, & fra meſme les ſeruice et ſuits cōe le meſne fiſt al ſeigniour.

Monſtrauerunt eſt vn brief, & giſt pour les tenaunts en aunci en demeſne dyrect al ſeigniour, luy cōmaū dant q̄ il ne diſtrayne ſon tenaunt pur faire auter ſeruice que fair ne duiſſent, & ils poy ent auter ceſt bryefe direct al viſcont que il ne ſuffer le ſeigniour diſtr' le dits tenātz

lorde aboue, then the tenant ſhal haue this writ againſt the meſne, and if hee come not to acquyte the tenāt, then the meſne ſhal loſe the ſeruice of the tenant and ſhalbee foreiudged of hys ſeigniory, and the tenaunt ſhalbee tenant immediate to the chiefe lorde, and ſhal doe the ſame ſeruice & ſuites as the meſne dyd to the lorde.

¶ Monſtrauerunt is a writ, & it lieth for the tenants in auncien demeſne dyrected to the lorde, him commaundyng ỹ he diſtraine not his tenant for to doe other ſeruice ỹ he ought not to doe, and they may haue this writ direct to the ſhirif that he ſuffer not the lord to diſtrain the ſaid tenantz for

to

to doe other ſeruice. Alſo if the tenauntes may not bee in quyet theye maye haue an attachemente againſt the lord to appere before the iuſtice, and all the names of the tenantes ſhal bee put in ỹ writ thoughe one of them bee greeued onelye. Alſo if anye landes in auncyen demeſne be in variaunce betweene the tenaunts, then the tenaunt ſo greeued ſhall haue againſt the other a writ of ryght cloſe whiche is called after the cuſtome of the maner, and that ſhall bee alwaye broughte in the lordes court and for that bee ſhall declare in the nature of what writte he wyll as hys caſe lyethe and this writte ſhall not bee remooued but for a

pur faire auter ſeruic̃
Auxy ſi les tenauntes ne point eſte en quiet ils poient auer vn attachment vers le ſeniour dappearer deuant les iuſtice & toutes les noſmes des tenaunts ſerrount miſe en le brief meſque vn de eux ſoit greeue ſolement. Auxi ſi aſeun terre en auncyen demeſne ſoit en variãce enter les tenants dõques le tenaunt, iſſint greue auera vers lauter briefe de droyte cloſe quod vocat' ſecundum conſuetudinem manerij & ceo ſerra touts foits port en le courte le ſeigniour & ſur ceo il coũtera en le nature de quel briefe il voit cõe ſon caſe gyſt & ceſt brief ne ſerra remoue

sinon p graũd cáe ou non power de court. Auxi si le seignior en auter court que auncien demesn̄ distrayn son tenaunt de faire auter seruice quel ne doyt, il auera bryefe de droit appell ne iniuste vexes & est vne brief de droit patent que serra trye per battelle ou graunde assise.

greate cause or noe power of the courte. Also yf the lorde in another courte thenne auncyen demesne distrain his tenaunt to doe other seruice that hee oughte not, he shall haue a writte of ryghte called ne iniuste veres, and it is a wryt of right patent which shalbe tried by battel or grãd assise.

Morgage est quaunt vn fait feoffement a vn auter sur tiel condicion que si le feffor paya al feoffee a certayne iour. xl. li. dargent que adonques la feffoure puit reentre &c. en ceo case le feoffee est appell tenaunt en morgage. Et sicome vne home puit fair feffement en fee en morgage, issint

¶ Morgage is whenne a man maketh feoffement to another on suche condicion that yf the ffeffour paye to the feoffee at a certaine day forty poũd of moneye that then the feoffoure maye reenter, &c. In thys case the tenaunt is called tenaunt in morgage. And as a man may make a feoffemẽt in fee in morgage, so

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hee maye make a gyfte in taile, or a leafe for terme of lyfe or for tearme of yeares in morgage. Alſo yf a feoffement be made in morgage on condycion that if the feoffor paye ſuche a ſomme at ſuche a daye &c. And the feoffoure dye before the daye, thenne if the heire of the feoffoure paye the ſame ſomme at the ſame daye to the feoffee and the feoffee refuſethe yt, thenne the heire of the feoffour may enter, but in ſuche a caſe if there bee noe daye of payment expreſſed, then ſuch tender of the heire is voyde, for that that when the feoffour dyethe, the tyme of tender is paſſe, or otherwiſe the heires of the feoffour ſhal haue time of

il puit faire don en le tail ou leſſe pur term de vie ou pour terme dans en morgage. Auxi ſi feffement ſoit fait en morgage ſur condicion que ſi le feoffour paya tiel ſome a tiel iour, &c. Et le feoffour murruſt deuaunt le iour vncore ſi leire le feffour paia meſme le ſome a meſme la iour al feoffee, & le feoffee ceo refuſa donques leire le feoffor puit enter, mes en tiel caſe ſi ne ſoite aſcun iour de payñt expreſſe, donques tyel tender del heire eſt voyde pour ceo que quaunt feoffour murruſt le temps del tender eſt paſſe, ou autrement les heirs le feffour aueront temps

del tẽdera touts iours que ſerra inconuenient que vn auera vn fee ſimple a luy & a ſes heyres que ſerra dyffeyſable touts foy tes a le pleſure & volunte des auters; mes en le prymer caſe la temps del tender ne fuit paſſe per la mort le leſſour.

of the tender for euer, whiche ſhall be inconuenient, that one ſhal haue a fee ſimple to hym and to his heires whiche ſhal bee defeſible alwayes at the pleaſure and wyll of others, but in ẏ firſte caſe the time of tender was not paſt by the death of ẏ leſſour.

Mortdaunceſter vide de ceo deuant titulo coſinage.

Mortdaunceſter looke therefore in the title coſinage.

Mortmaine eſt lou terre ſont dones a vn meaſon de relygyon ou a vn auter companye que ſount corporate per le graunt le roy dõques ceſt terre eſt deuenus en mort mayne & donque le roy ou le ſeignior de que le terre eſt tenus

¶ Mortmayne is where landes bee geeuen to a houſe of religion or to another companie whiche bee corporate by the kinges graunt, then ẏ lande is come into mortmaine, and thenne the kinge or the lorde of whom the lande is holden may enter

ter as it appearethe by ỹ ſtatut de religioſis, ſee therefore the ſtatute. Alſo yf one make a feoffemẽt vpon truſt to certain perſonnes to the vſe of a houſe of relygion, or to the vſe of anye gylde or fraternitie corporate, thenne it ſhall bee ſayde mortmayne and he ſhall renne in the ſame payne as it appearethe by the ſtatut anno decimo quinto. R. 2.

¶ Moderata miſericordia is a writ and it lyeth where a man is amerced in court barron or county more then he ought to bee, then hee ſhall haue this writt directed to the ſhirife if it be in the countie or to the bayllyfe if it bee in court baron commaundynge them that

puyt enter come appiert en leſtatute de religioſis ideo vid' ſtatut'. Auxy ſi vn fayte feoffement ſur confidence a certayne perſones al oeps de vne meaſon de relygiõ al oeps de aſcun gylde ou fraternitie corporate donques il ſerra dyt mortmayne & il encourge meſme le paine vt patet per ſtatutum anno. 15. Richardi. 2.

Moderata miſericordia eſt vn brief et giſt lou home eſt amercie en courte barron ou countie plus que deuer eſte donques il auera ceſt brief dyrect al viẽ ſi ſoit en coũty ou al bailif ſi ſoite en court baron eux commaundaunt que il ne luy amerciount, mes

event

cient regard al quantitie de treſpas & ſyls ne ſount, cel bryefe donques iſſera verz eux vn ſicut alias & cauſam nobis ſignifices & apres ceo vn attachement.

Natiuo habendo eſt vn bryefe & gyſt lou le nief dun ſeignioure eſt ale de lui donques le ſeignior auera ceſt briefe direct al vicōt que il face le ſeignior auer ſon niefe oueſque tout ces chateux Auxi en ceſt brif plu ſoures niefes ne purront eſte demaundes q̄ deux, mes auxi pluſours niefs q̄ voylent enſemblement, poiēt port brif de libertate probanda. Auxi ſi vn niefe port brief de libertate probanda a-

hee amerce him not, but hauinge regarde to the quantitie of the treſpas, and if theye do not, thys writ then ſhall go forthe againſte them, a ſicut alias & cauſam nobis ſignifices and after that an attachement.

¶ Natiuo habendo is a writ and it liethe where the villeine of the lord is gone from him then the lorde ſhal haue this writ directed to the ſhirif, that he make his lord to haue hys villeine wyth all his goods. Alſo in this wryt moe villeines maye not bee demaunded thenne twaine, but as many villeines as wyll, ioyntlye may bringe a writ de libertate probanda. Alſo if a villein bring his wryt de libertate probāda be-

fore

fore that the lorde bring his writte, then the vylleine shall bee in peace til the comming of the Justice, or els hys wrytte shall not help hym.

Also yf a villayne haue taried in auncien demesne one yeare and a daye wythoute claime of the lorde, thenne hee cannot seise him in the said fraũchise.

que le seigniour: port cest brief donques le niefe serra en peace, iesq; al venue des iustice ou au terment sõ briefe ne luy eydera.

Auxy si vn villein ad demurre en auncien demesne per vn an & vn iour sauns claime del seigniour dõques il ne puyt luy seyser deyns le dyt fraunchise.

¶ Nisi prius is a writte iudiciall, & it liethe when an inquest is impaneled and retourned before the Justyces in the benche, then the playntife or defendaunt may haue this writ directed to the Shirife, him commaunding that he cause the coũtrey to come before the Justicez in the same county, at

Nisi prius est vne briefe iudicial & gyst quant lenquest est en panel & retourne deuaunt les iustices en banke donques le pl' ou defend' puyt auer cest briefe directe al vicont luy commaundãt que il face venir la pais deuant les iustices en mesm̃ le coũty a lour

lour venyr la deſtre determine, et ceo pur eaſement denqueſt.

Nonabilitye eſt lou vn action eſt pt vers vn & le defendaunt dyt que le plaintif eſt nonable de ſewe aſcun action, & ſont. vi cauſes de nonabilitye s. home vtlage, vn alien nee hors de lege le roy, vn home condempne en premunire, vn home de religion, vn home excommenge, et vn villeine que ſue ſon ſeygnyour.

Nuſauns eſt vn brief & gyſt lou aſcun hóe leue aſcun mure ou eſtop aſcun ewe ou fayt aſcun choſe ſur ſon terre demeſne a nuſaunce ſon prochein. Auxy ſi il que fiſt le nuſaunce alyen

there comming to be determine, and that for the easing of the enqueſt.

¶ Nonabilitie is where an action is brought against one and the defendaunt saiethe that the plainetyfe is not able to sue any action, and there bee fyre causes of Nonabylytie that is to saye a man outlawed, an alien borne out of the kynges lege, a man condempned in a premunire, a man of religion, a man accurſed and a villein that suethe his lorde.

¶ Nuſaunce is a writte and it lyethe where anye man leuieth any wall or ſtoppethe anye water or doth any thing vpon hys owne ground to the vnlawful hurt & nuſaunce of his neighbour. Alſo yf

hee

hee that make the nusaunce alien the lande to another thenne this writ shalbe brought againste them both as it appereth by ỹ statute westminster 2. Ca. 23.

¶ Nuper obijt is a writ and it lyethe wheare one hathe manye heires that is to say, manye daughters or manye sonnes yf it bee in gauel kynde in Kent, and dyethe seysed and one heire entrethe into al the land, then the other that be holden out, shall haue this writte against the coheire that is in. But a writ de Rationabile parte lieth in such case where the auncestor was once seised, & dyed not seysed.

¶ Ne iniuste veres, loke therefore beefore in the

la terre a vne auter, donques ceſt bryefe ſerra port deuers am bideux come appiert per leſtatut weſtminſter. 2. ca. 23.

Nuper obijt eſt vn briefe, & giſt lou vne ad pluſours heyres. s. pluſiours files ou pluſours fits ſi ſoit en gauelkinde en Kent, & deuie ſeyſi & vn heir entra en tout la terr', donq; les auters que ſount tenns de hors, aueront ceſt bryefe vers le coheyre que eſt deyns, mes briefe de Rationabile parte gyſt en tyel caſe ou launceſtour fuit vne foits ſeyſi, & ne murruſt ſeyſie.

Ne iniuſte vexes. Vide de ceo deuant, titulo

titulo Monstrauerũt.

Ne admittas propter libertatem est vn brief, et gist lou le viĉ retourne sur briefe a luy direct, que il ad maunde al baylliff de tiel fraunchise que auer retourne des brifes, & il nad seruie le brief, donq; le plaint' auera cest brief direct al viĉ q̃ il m̃ ent' en le franches & execute le brief le roi. Auxi le viĉ garnera le bailiffe que il soit deuant les iustices al iour conte nus en le briefe & sil ne vyent & luy acquite, donques touts les briefes iudicials q̃ passerõt horsde court le roye duraunt mesme le plee, serrount briefes de non admittas &c. & le vycount serra execuciõ de eux

title Monstrauerunt.

¶ Ne admittas propter libertatem is a writ and it liethe where the Shyriffe retourneth vppon a writ to him directed that he hath sente to the baylife of suche a fraunches whiche hath retourne of writs, & hee hath not serued the writ then the pl̃ shal haue this writ directed to ỹ shirif ỹ hee himself enter into ỹ fraũches & execute the kings writ Also ỹ shirif shal warne the baillif that he be before the Justice at ỹ day contained in the writ & if he come not and acquite him, then al the writs iudicials which shall passe out of the kings court during the same ple, shalbe writs de Non admittas &c. & the shirif shall make

execu-

execucion of thē hanging the plee.

¶ Oyer & termyner is a writte called in latin de Audiendo & terminādo, and it liethe where anie greate or sodayne insurrection is made, or anie other sodayne trespasse whiche requireth hastye informacion, then ỹ king shall direct a commission to certaine men & iusticez to here and to determine the same.

Parceners are according to the course of the common law, and according to ỹ custom. Parceners according to ỹ commō law are wher an inheritoure hathe issue but daughters, & dieth, & ỹ teneñtz descēd to ỹ daughterz, thē thei be called pceñs, & are but as one heir.

pendant le plee.

Oyer & terminer est briefe appel en latin de Audiendo & terminando, & gyst quant aſcun graund ou ſodein insurrectiō est fait ou aſc̄ aut' ſodein transgreſſion q̄ require haſtye informac̄, dōq; le roy directera vn commiſſion a certaine gents & iuſtices de audiendo & terminando.

Parceners sōt ſolonq; le cours de commen ley, & ſolonq; le cuſtome. Parceners ſolonq; le commen ley ſont lou vne inherit' ad iſſue forſq; files & deuie, & les tenemen tes deſcendont a les files, dōq; ils ſont appel, parceners, & ſont forſques que vn heir, mes

mes ſi home ad forſque vn file, el neſt dit parceñ mes el eſt dyt la file & la heire, & ſi ne ſont ſoers les terres deſcenderount a les auntes, et els ſont appelles parceners. Auxy quaunt terres deſcendont a dyuers parceners, els poyent faire partycion enter eux per agremẽt mes ſi aſcun deux ne voilent faire donque lauter ou les auters aueront vn brief de Participatione facienda direct al vic̃ que ferra particiõ enter eux p le ſerement de. xij. loyals hões de ſa bailiwike. Auxi Particiõ per agrement puit eẽ fait per le ley auxi bien per parol ſans fait come per fayte. Et ſi ſount de pleyne age,

but if a manne hathe but one daughter, ſhee is not called parcener, but ſhee is called ẏ daughter and heire. And yf there be no ſyſters the landes ſhall deſcende to the auntes, and they be called parceners. Alſo when landes deſcende to dyuers parceners, theye maye make partition betwene themſelues by agrement, but if anye of them wyll not make partition, then the other or the others ſhall haue a writ de Participatione facieda direct to ẏ ſhirife, who ſhal make particiõ betwene thẽ by ẏ oth of.xij. lawful mẽ of ẏ bayliwike. Alſo particiõ by agremẽt may bee made by ẏ law, aſwel by word wout deede, as by deede. And if they be of ful age the

age the partition ſhal remain for euer, and ſhall not at any time be defeated. But yf the lands be to them in the tayle, and though that they are concluded during their liues yet ẏ yſſue of hym which hath the leſſer part in value, maye diſagree from the partition, and enter and occuppye in comon wᵭ the other parte. And alſo yf the huſbandes of the parceners make partition, when the huſbande dieth, the wife maye diſagree frō ẏ partition. Alſo if ẏ parceñ which is wᵭin age make partitiō when ſhe cometh to ful age ſhe maye diſagree. But ſhee muſt take good hede whē ſhe cometh to her ful age that ſhe take not all ẏ profites to her own vſe of ẏ

le particion touts iou res demurrera, & ne ſerr'vnq; defete. Mes ſi les terres ſont a eux in le taile, & coment q̄ ils ſount concludes durant lour vies, vnc̄ liſſue ceſty qui nad le mainder part in valu puit diſagreer a le ꝑticion & enter & occupier in cōen oueſq; lauter part. Et auxi ſi les barons des parceners ſount particion quát le baron deuie, la fée puit dyſagreer a la particion. Auxi ſi le parcener q̄ eſt deins age fait particion quaunt el vient a ſon plein age, el puit dyſagreer. Mes il couyēt de bien garder quát el vient a ſon pleyne age, que el ne preigne toutes les profites a ſon vſe demeſne des

terres q̄ fuerunt a luy allottes, car donq; el ſoy agrea a le partycion, & le pleine age ſerra toutes foites deceo intende al age de xxi. ans. Auxi ſi ſount diuers parceners que ount faire particion inter eux, & la partye de vn ſoit recoū vers luy per tytle loial, dō ques el compeller les auters de faire nouel particion. Auxi ils ſount parceners ſolonques le cuſtō, lou home eſt ſeiſy des terres en Gauelkynde come in Kent & autert lieus franches, & ad iſſue diuers fits & deuie, dōques les fits ſont parceners per le cuſtome. Auxi ſi hōe ad diuers fils, & dona parcel del terre a vn

lands which were to her abated, for then ſhee agreeth to the particion, & the full age ſhal alwaye extend to the age of xxi. yeres. Alſo yf there are dyuers parteners ý haue made partition betwene thē and one of their partes be recouered by lawfull tytle, then ſhee ſhall compell the other to make a newe partition. Alſo they are parceners according to cuſtome wher a man is ſeyſed of Landes in gauelkynde as in Kent and in other places fraunthcſed, and hathe yſſue dyuers ſonnes and dye, then the ſonnes are parceners by cuſtome. Alſo yf a man hathe dyuers daughters, and geueth a parcell of his land to one daughter in frank

maria

mariage, and dyethe, yf the husbande and hys wyfe wyll haue parte of the other landes that descendeth, theye must put theire lande geeuen to them in frank mariage, in hotch pot with the rest of the lande that is, one with another, and then partition shalbee made of all.

¶ Per que seruicia, Loke therefore afterwarde in the tytle, Quid iuris clamat.

¶ Post disseisin, Loke for that before in the title assise.

¶ Prescripcion is, when one hath had or vsed any thynge sythe the tyme whereof no mynde is, and som men saye, that a hundred yere is a good p̄scripcō, but one may not

file in franke mariage & deuie, si le barone & sa femme voilont auer parte de les auters terres que descēdount, ils couient de mitter les terres a luy dones in frank mariage in hotchepott oueſque le remenant de la terre .s. vn oue lauter, & donques partician ſerra fait de tout.

Per q̄ seruicia. Vide de ceo apres, titulo Quid iuris clamat.

Post disseisin. Vide de ceo deuant in le title Assise.

Prescription est quát vne ad ewe ou vse aſcun choſe depuys le temps dont nul memory ē, & aſcūs diōt de cent ans est bō p̄scripc̄, mes vn ne puit

preſcribe encounter vn eſtatut ſinon que il ad auter ſtatut que ſerue pur luy.

Preſentement eſt quaunt aſcun home que ad droit a doñ aſcun benefice ſpirituall, & noſme le perſõ al eueſque a q̃ il voyt l' doner, & fait vn letter al eueſq; pur luy, ceo eſt vne preſentacion ou preſentmẽt, mes ſi diuers coheirs ne poiẽt accorder en preſentment le preſentment leiſne ſerra admitt, mes de ioyntenants & tenants in comen, ſils ne accordent, leueſq; preſentera per laps.

Premunire eſt vne briefe, & giſt lou aſcun home ſue aſcun auter in court chriſ-

preſcribe agaynſte a ſtatute excepte hee haue an other ſtatut that ſerueth for hym.

¶ Preſentment is when anye man whiche hathe righte to geeue anye benefice ſpirituall, and namethe the perſon to the biſhop to whom hee will geeue it, & maketh a writing to ỹ biſhop for him, that is a preſentacion or preſentmẽt, but yf diuerz coheyres may not accorde in preſentment, ỹ preſentment of ỹ eldeſt ſhal be admitted, but of iointenants and tenaunts in common, if theye accorde not within ſir monethes, the byſhop ſhall preſent by laps.

¶ Premunire is a writte and it lyethe where anye man ſuethe any other in the

the ſpirituall courte, for anye thing that is determinable in the kynges courte, and that is ordeined by certain ſtatutes, & great punyſhment therefore ordeyned, as it appereth by the ſame ſtatuts, that is to ſaye that hee ſhalbee oute of the kings protection, and that hee be put in priſon without bayle or mainprize tyll ỹ hee haue made fine at ỹ kynges wyll, and that hys landes and goodes ſhalbe forfayt yf he come not wythin two moneythes. Alſo the prouiſours procuratours, attorneis, executoures, notaries & mayntenoures, ſhall bee punyſhed in the ſame maner, therefore looke the ſtatutes. Alſo ſome men ſaye that yf a clarke

tian pur aſcun choſe que eſt determinable en le court le roye & ceo eſt ordeine p certein ſtatutes, & grãde puniſhment a ceo ordaine come appierte per meſme les ſtatuts s. que il ſerra hors de protection le roye & que ſoyt mis en priſõ ſauns bayle ou mainpryſe tanque ils ad fait fine al volunte le roy, & que ſes terres & chateux ſerrount forfaytes ſil ne veyn deyns ij. moys.

Auxy lour prouyſours, procuratoures, attourneyes, executours, notaries & maiteners ſerrount punyſhe en meſme le maner, ideo vide ſtatutum. Auxi aſcuns diont que ſi vn clerk

ſue auter hõe in court de Rome pur choſe ſpiritual lou il puit auer remedye deins cẽ realme in court ſõ ordinary que il ſerra in caſe del ſtatut.

Precipe in capite eſt vn br' & giſt lou le tenant q̃ tient de roy in chiefe come de ſa corone & il eſt deforce dõq; il aũa ceſt br', & ceſt briefe ſerra cloſe & ſerra plede in le comen bank. Auxi ſi aſcun tenãt q̃ tient daſẽ ſeigñ ſoit deuorceluy couient ſuer brief de droit patent que ſera determine in le court le ſeigñ mes ſi le terre ſoit tenus de Roye le briefe de droit patẽt ſerra port in court de roye & cẽ briefe puit eſte remoue de la

ſue an other man in the court of Rome for a thig ſpũal wher he may haue remedy wĩn the realme ĩ the court of his ordinary, ẏ he ſhalbe wĩn ẏ caſe of the ſtatute.

¶ Precipe in capite is a writ & it lieth wher ẏ tenãt holdeth of his lord in chief as of his crown & he is deuorſed, that is to ſay put out of his lãd, thã he ſhal haue this writ, & thiz writ ſhalbe cloſe & ſhalbe pleded ĩ ẏ cõen place. Alſo if any tenãt which holdeth of any lord be deuorſed it behoueth hi to ſue a writ of right patẽt which ſhalbe determined in the lords court, but if ẏ lãde be holdẽ of ẏ kyng ẏ writ of righte patent ſhalbee brought to ẏ kings court & thys writ may be remo

ued

ued frō ỹ lords court vnto the counte by a tolt, & from the counte into the comen place by a pone, loke therefore before in ỹ title droit.

¶ Perambulatione facienda is a writ and it lieth where two lordships lieth one nyghe another, and some incrochemente is made by longe tyme, than by assente of bothe lordes the shyriffe shal take with hym the parties, and the neighbours, and shal make the bondes as they were before, but if a Lorde incroche vppon another, and he will not make perambulacion, then the Lord so greeued shal haue a writ againste the other, whiche is called de rationabilibus diuisis.

court le seigniour en la counte p vne tolt' & de la counte in comen bank p vn pone Ideo vide deuant titulo droit.

Perambulatione facienda est vn brief & gist lou deux seigñrs gisont vn pres lauter & ascun encrochemẽt est fait p longe tẽps donq; p assent de ambideux seigniors le vicont prendra ouesq; luy les parties & les viceins & fieront perambulation & ferrõt les mets cõe ils fuerũt adeuant, mes si vn seigniour incroche sur lauter & il ne voyle fair pambulation, dõques le seignior issint greue aũa briefe vers lauter q̃ est appell de rationabilib⁹ diuisis.

Petit cape ẽ vn brief & giſt quant aſcũ action real.s, de plee de terre eſt port & le tenaunt appere & puis fait defaut, donq; iſſera ceſt brief de petite cape de ſeiſer les terres en maine le roye, mes ſil ne appera mes fait defaut al primer ſomons, donq; iſſera vn grand cape & pur tiel defaut le tenaunt perdra la terr', mes ſil gage ſon ley de non ſommons il ſauera ſõ defaut, & donques il puit plede oueſque le demaundaunt. Et en graund cape le tenãt ſerra ſummons pour reſponder al defaut & ouſter al demaundant, mes in petit cap̃ il ſerra ſummonis pur reſponder al defaute

¶ Petit cape is a writ, & it lieth whan any accion reall, that ys to saye of plee of land is broughte, and the tenãt appeareth and afterwarde maketh defaute, than this writte of petite cape shall goo forth to seisie the landes into the kynges handes, but if he appeare not, but maketh defaute at ẏ firſt somons, then a graunde cape shall go forthe, and for suche defaute the tenant shal lose the lande, but yf hee wage hys law of non sommons, he shal saue his defaute, and thã he may plede wt̃ ẏ demaũdaunt. And in graũde cape ẏ tenaũt shalbe summoned to aũſwere to the defaute & farder to ẏ demaũdãt, but in petit cape he shalbee summoned to

aunſ

aunſwere to the defaute onelye, and not to the demaundaunt, and it is called petit cape, for that ỹ there ys leſſe in the writt.

¶ Proces are the writes & precepts that go vpon the original, and in actions realz and perſonelz there bee diuers proces, for in accions reals ỹ proces is graund cape before apparance, therefore ſee of that in the title petit cape, but in accions perſonals as in dette, treſpas, or detinue, the proces ys a diſtres, and yf the ſhirif retourne nihil habet in balliua, &c. then the pres is alias capias & vn exigent, and they are called capias ad reſpondẽdum. Alſo the exigente ſhalbe proclamed fyue tymes: and yf the partie dothe ſoulement & nemye al demandant, & eſt appel petite cape pur ceo que il ad mynus en le briefe.

Proces ſõt les briefes & preceptes que iſſõt ſur loriginal, & in accions reals & ꝑſonels ſont diuers ꝓces car en actions reals le ꝓces eſt grand cap̃ ade uant apparance, ideo vide de ceo in tytle petite cape. Mes in ac cions ꝑſonels come in dett, treſpas ou detynue le proces eſt vne diſtres, & ſi le vic̃ retourne nihil habet in balliua &c. donques la proces eſt alias capias & vn exigent, & ceux ſount appels capias ad reſpondendum. Auxi lexigent ſerra v. foytes proclaimes, & ſi le party nap-

napiert il ſerra vtlage mes in diuers actions ſont diuers maners d' ꝓces que pluis longe eſt declare in natura breuium. Auxi ſount diuers auters ꝓces apres apparance quãt les parties ſont al iſſu pur faire lenq̃ſt apere cõe vn brief de venire fac̃ & ſils ne apperont al iour, adonq; vn br' de habeas Iurr': & apres vn briefe de diſtringas Iurr.

Auxi ſont diuers auters ꝓces apres iugement come capias ad ſatiſfaciendum capias vtlagat', & capias ad valentiam &c. mes capias ad ſatiſfaciendũ giſt lou vn home eſt condẽpne in aſc̃ dett ou dãmages, donq; il ſerra arreſt ꝑ ceſt br'

not appeare hee ſhalbee outlawed, but in diuers actions there are diuers maners of ꝓces which at large is declared in natura breuium. Alſo there are dyuers other ꝓces after apparaunce when the partyes bee at yſſue to make the enqueſte appeare as a writte of venire facias, and yf they doe not appeare at the daye, then a writte of habeas corpora Jur̃: and after a writ diſtcingas Jurr̃. Alſo there are dyuers other ꝓcez after iugemẽt as capias ad ſatiſfaciendum, capias vtlagat', & capias ad valẽtiam &c. but capias ad ſatiſfaciendum lieth, wher a man is condempned in any det' or damage, then he ſhal be arreſted by this writ, & put

in

in prison without bayle or mainprise, tyll hee hath payde the dette and the damage, but capias vtlagatum, lyeth where one is outlawed, then he shall bee taken by thys writte, and put in prison without bayle or mainprise, for that hee hadde the lawe in contempte. Capias ad valentiam lyeth where I am implede of certayne Landes, and I vouche to warranty another and cannot barre the demaundaunt, so that the demaundant recouer agaynste mee, then I shall recouer so muche in value against the vouche, and the shal go forth thys writ, also ther bee other proces and writtes iudicials, as fieri facias, scire facias, and manye

et mis in prison sauns bail ou mainprise tá-que il ad pay le det & les damages mes capi as vtlagat' gist lou vn est vtlage donques il serra prise p tiel brief & mis en prison sans bayle ou mainpryse pur ceo que il ad fait contempt encounter le ley. Capias ad valentiam gist lou ieo sue implede de certei terre & ieo vouche a garrantie vn auter & il ne sauoit pas barre le demand, issint que le demaund recouer vers moye, donq; ieo recouera tant in valu vers le vouch, & dō-ques issera cē briefe. Auxi sōt auters pces & briefes iudicialles come fieri facias scire facias, & plusoures

au-

auters, ideo vide de ceux en lour titles.

Protection est vne briefe & gist lou hõe voit passer ouster le meere en le seruice le roy, donq; il aũa cest briefe & p̃ cest briefe il serra quite de tout maner des ples enter luy & ascun auter p̃son excepte plees de dower, Quare imp̃, assise de nouel disseisin vltimę presentationis & attaintes & plees deuant iustice in eire mes sont deux briefs de protection, vn cũ clausula volumus, & lauter cum clausula nolumus vt appert in la regist̃. Auxi protectiõ ne serra allowen ascun plee commence deuãt le date de la protection si ne

other and therefore loke for them in theire titles.

¶ Protection is a wryte and it lieth where that a man wil passe ouer ẏ sea in the kyngs seruice, thẽ hee shall haue this writ, and by this write he shal bee quite of all maner of plees betwene hym and any other persone, except plees of dower, quare impedit, assise of nouel disseisin, darreine presentement, and attaintes, and plees before iustice i eyre. But there be .ij. writs of protection, one cum clausula volumus, and another cum clausula nolumus as appeareth in the regist̃. Also a protectiõ shall not bee allowed in anye plee begon before the date of the protection yf yt bee not in diages

where

where the kyng hymselfe shall passe, or other vyages royals, or in messages of the kyng for nede of the Realme. Also a protection shall not bee allowed for vittel boughte for the viage wherof the protection maketh mencion, nor in plees of tresspas or of contracts made after the date of the protection.

¶ Prohibicion is a writ, and it lieth where a man is impleded in the spirituall courte, of the thyng that toucheth not matrimonye nor testamente, but that touchethe the kynges crowne, and this writ shalbee directed, as well to the partie as to ỹ officiall, to prohibite thẽ that theye pursue no further, but yf it appeare after

soit in vyages ou le roy mesme passa, ou auters vyages royals, ou in message le roy pur boyson de realm̃ Auxi protection ne serra alow pur vitails achates pur le viage, dount le protection fait mencion in plees de tresspas ou de contractes fayt puis le date de mesme le protection.

Prohibition est vn briefe, & gist lou hõe est implede in courte christien de chose q̃ ne tonch matrimony ne testamẽt, mes que touche le corone nostre seigñ le roy, & cẽ brief serra direct auxi bien al partie come al officiall, de eux prohibit' q̃ il ne pursue ouster, mes si il appeare apres

apres a les Iudges tẽporall que le matter eſt ſpirituall & nemy temporal, donques le partye aũa vn briefe de Conſultacion, cõmaundant les Iudges ſpiritual de proceder in la primer plee.

Procedendo eſt vn brief & giſt ou aſcun action eſt ſue in vne baſe court que eſt remoue avn haut court come al Chauncery, banke le roye, ou cõmen banke, per brief de priuiledge, ou Certiorare, et ſi le defendaunt ſur le matter monſtre nad cauſe de priuilege, ou ſi le matter in le bylle ne ſoyt bien proue, donques la pleintife auera ceſt briefe de procedendo pur remaũ-

afterward to the ſudges tempozall, that the matter is ſpirituall and not tempozall, than the partie ſhal haue a wzitte of Conſultacion, commaunding the Judges ſpirituall to pzocede in the firſte plee.

¶ Pzocedendo is a wzite and it lieth wher any acciõ is ſued i a baſſe court whiche is remoued to a hye court, as to the Chaũcerye, the kings bẽche, oz commen place by a wzit of Pziuilege oz Certiozare, and if the defend vpõ the matter ſhewed, haue no cauſe of pziuilege, oz if the matter in the bill bee not well pzoued, than ỹ plaintife ſhall haue this wzit of Pzocedendo, foz to ſend agayn the matter

vnto

vnto the first base court, and there to bee determined.

¶ Quare impedit is a writ, and it lyeth where I haue purchased a manour, to the whiche there belongeth an aduowson, and the person dieth, and an other presenteth hys clerke, or disturbethe me to present, than I shal haue the sayde writte. But Assise of darrain presentement lyeth, where I or my aunceStours haue presented before. And wher a man maye haue Assise of darrein presentment, hee maye haue a Quare impedit, but not contrary wyse. Also if the plee bee depending betweene two partes, and be not discussed within vi. monthes,

der le matter al priñ base court, & la destre determine,

. Quare impedit est vn briefe, et gist lou ieo ay purchace vne maner a q̃ appent ad uowson, & le person deuie, & vn auter p̃sent son clerke, ou moy disturbe de present', donq; ieo auera le dit briefe. Mes Ass. de darreine presentment gist, lou ieo ou mon anceStours ont present deuaunt. Et lou home puit auer Assise de darrein presentment, il puit auer vne Quare impedit, mes nemye contrarye. Auxy si le plee soyt dependaunt inter deux parties, & ne soyt dyscusse deyns vi . moyes, don-

donques leueſq; preſentera p laps, & ceſti que ad droit de preſenter, recouera ſa dámages cõe apiert per ſtatute de Weſtm̃.ij. ca.vii. Ideo vide ſtatutum. Auxi ſi ceſtye que ad droyt de preſenter apres l' mort le perſon, & ne porta Quare imped' ne dar rein preſentmẽt mes ſuffer vn eſtrange de vſurper ſur luy, vnẽ il auera vne briefe de Droit daduowſ, mes ceſt briefe ne giſt, ſil ne clayme dauer lauowſon a luy & ſes heires in fee ſimple.

than the byſhop ſhal preſent by laps, and he that hathe righte to preſente, ſhall recouer hys damages, as it appereth by ỹ ſtatute of Weſtm̃.ij.ca. vij. therfor ſee the ſtatut. Alſo yf hee ỹ hath righte to preſent after the death of the perſone, and bringeth no Quare impedit nor Darreine preſentemente, but ſuffrethe a ſtraunger to vſurpe vpon hym, yet hee ſhal haue a writte of righte of aduowſon, but this writ lieth not, but yf hee clayme to haue ỹ aduowſon to hym and his heyres in fee ſimple.

Quare non admiſit eſt vne briefe, & giſt lou home ad recouer vne aduowſon', & il mand ſon couenable

¶ Quare non admiſit is a writ, and it lyeth wher a man hathe recouered an aduowſon, and hee ſendeth hys conuenable

clarke

clerke to the bishop to be admitted, and the bishop wil not receiue hym, thā hee shall haue the sayde writ against the bishop. But a writt de Ne admittas lieth, wher. ij. be in plee, if the plaintif suppose that the byshop wil present, the clerke of the def. than hee shall haue this writte to the bishop, commaunding hym not to admit him hangynge the plee.

¶ Quare incumbrauit is a writte, and it lyethe where two bee in plee for the aduowson, and the Bishop presentethe one of hys clerkes within the vi. monethes, than hee shall haue thys writt, against the Bishop, but this writte lyeth alwaye hanging the plee.

clerke al eueſq; pour eſte admitt, et leueſq; ne voit luy receiuer, donq; il auera le dit briefe vers leueſq;, mes briefe de Ne admittas giſt lou deux ſont in plee ſi le pleit ſuppoſe que leueſque voit preſent le clerke le defendaunt, donq; il puit auer ceſt brief al eueſque, luy commaundaunt que il ne luy admitt, pendant le plee.

Quare incumbrauit eſt vne briefe, & giſt lou deux ſont in plee pur lauowſon, & leueſque preſent vn de ſes clerkes, depuis les vi. mois donques il auera ceſt briefe vers leueſq;, mes cē briefe giſt touts foits pēdāt le plee.

Quale ius est vne briefe & gist lou hõe de religion ad iudgement de recoũ terre, donques deuant execution cest briefe isse ra al eschetour pur inquerer ql droit il ad a recouer, & si soyt troue q̃ il nad droit donq; le seignior puit enter. Mes briefe de Ad quod dampnum gist lou vn voile doner terre al meason de religion, donques cest brief issera al Eschetour, pour inquerer de que value le terre est, & quel preiudice il serra al roy.

Quarentine est, lou home deuie seisi dun maner place & auter terres, dount sa feme doit este endow, donques la femme tien-

¶ Quale ius is a writte and it lyeth where a mã of religion hathe iudgement to recouer lande, than before execuciõ this writ shal goe forth to the eschetour to enq̃re what ryght he hath to recouer, and yf it bee founde that hee hathe no righte, than the lord may enter. But a writ of Ad quod dampnum lyeth wher one wil geue landes to an house of religiõ, than this writ shall goe forth to the eschetor, to enq̃re of what value the lande is, and what preiudice it shalbe to the kynge.

¶ Querentine is where a man dyeth seysed of a maner place and other landes whereof ỹ wyfe oughte to bee endowed, than the woman shall

holde ỹ maner place by xl.dayes, within whiche tyme her dower shalbee assigned, as it apperethe in Magna charta cap.vi.

¶ Quare eiecit infra terminum is a writ, and it lyeth where one maketh a lease to an other for terme of yeares, and the lessour enfeoffeth another, and the feoffee putteth out the termour, than the termour shall haue thys writ agaynst the feoffee, but yf another straunger put out the termour, thã hee shall haue a writt de Ejectione firme agaynst hym, and in these two writtes hee shal recouer the terme and hys damages.

¶ Quid iuris clamat

dra le maner place p quarant iours, deins quel temps son dower serra a luy assignã come appiert in Magna Charta Capitulo.vi.

Quare eiecit infra terminũ est vn briefe & gist lou vne fayt lease a vne auter pur terme dans, & le lessour infeoffe vne auter, & lenfeoffe ousta le termour, donques le termour auera ceste briefe vers le feoffee, mes si vn aut' estrãge ouste le termour dõques il auera bryefe de Ejectione firme vers luy, & in ceux deux briefes il recouera le terme & ses dammages.

Quid iuris clamat

eſt vn briefe, & giſt lou ieo grant le reuer ſion de mon tenaunt a terme de vie p̄ fine in court le roye, & le tenant ne voit attur-ner, donq; le grantee auera ceſt briefe pur luy chaſer pur attor-ner. Mes brief de quē redditum reddit giſt, lou ieo grant per vn fine, rent charge ou auter rent que nē rēt ſeruice quel mon te-nant tient de moy, & le tenaunt ne voit at-tourner, donques le grauntee auera ceſt briefe, et brief de Per que ſeruicia giſt en ſemble caſe pur rent ſeruice. Auxi ſi ieo grant iiij. diuers rents a vne home, & le te-naunt del terre attor-na al graunt per pay-

is a writte, and it lyethe where I graunte the re-uerſion of my tenant for terme of lyfe by fine in ỹ kynges courte, and the tenant will not attorne, than the grauntee ſhall haue thys wrytte for to compel hym to attourne. But a writte of Quem redditum reddit lyethe wher I graunt by fine a rēt charge or another rēt which is not rent ſeruice which my tenaūt holdeth of me, & the tenaunt will not attorne, than ỹ graū tee ſhall haue this writ, and a writ of Per que ſer uicia lyeth in like caſe for rente ſeruyce. Alſo yf I graunte fowre diuers rē tes to one man, and the tenant of the lande attor neth to the grauntee by payement of a penys or

of

of an halfe penye in the name of attornement of all the rentes, thys attornement shal put hym in seisin of al the rent. But these three writes ought to bee broughte againste those which are tenaũts at a daye of note leuie, & agaynste none others.

¶ Quare intrusit matrimonio non satisfacto is a writ, and it lieth wher the Lord profereth couenable maryage to hys warde, and hee refuseth & entereth into the land, and marieth hymselfe to another, then the Lorde shall haue thys writte againste hym.

¶ Quod permittat is a writte, and yt lyethe where a man is disseised of hys comen of pasture,

ment de vne denter ou vn maile in noſm dattournemt de tout ceux rentes ceſt attornement, luy mittera in ſeyſin de tout ceſt rent. Mes ſes troys brieſes couyent eſte port vers eux qui sõt tenauntes ioures de note leuy & vers nul auters.

Quare intruſit matrimonio non ſatisfacto eſt vn briefe & giſt lou le ſeignioure profera, couenable mariage a ſon garde & il refuſa & entra in la terre & ſoy marie a vn auter, dõques le ſeigniour auera ceſt brief vers luy.

Quod permittat eſt vne briefe & giſt lou hõe eſt diſſeiſi de ſon commen de paſture

& le disseisour alien ou deuie seisie & son heire entra donques si le disseysie de vye son heyre auera ceste briefe.

Quo iure est vne briefe & gist lou hõe ad ewe commen de pasture en auter seueral puisle temps de non memorye, donques celuy a que appertient la seuerall auera ceste briefe & il serra charge de responder per quel title il claime.

Quo minus est vn briefe & gist lou hõe ad graunt a vn auter housbote & heybote in son bois a prender chescun an & celuy quead graunt fait tiel waste & distructiõ que le grauntee ne

and the disseisoure alieneth or dieth seysed, and his heire entereth, thã yf the disseisie dye hys heire shall haue thys writ.

¶ Quo iure is a writte, and it liethe wher a man hath had comen of pasture i another seueral sithe the time of no minde, thã hee to whome belongeth the seuerall shall haue thys wrytte, and he shal bee charged to shewe by what tytle hee claimeth.

¶ Quo minus is a writte and lyethe where a man hathe graunted to another housbote and heybote in his wood to take euerye yeare, and he that had the graunte make such waste and distructiõ, that the grantee cannot haue hys resonable estouers,

uers, then the grauntee shall haue the foresayde writ, and it is in maner of a writ of wast, and note that housebote is called certaine estouers, to mẽde the house, and heybote is certaine estouers to mend heys and hedges.

¶ Quod ei deforciat is a writte, and it lieth wher the tenaunt in the taile, tenant in dower, or tenaunt for terme of lyfe, leeseth by defaute in any accion, then hee that leeseth shall haue this writ agaynste hym that recouerethe, or agaynste hys heyre.

¶ Quo warranto ys a writ, and it lyeth wher a man vsurpeth to haue anye fraunches vppon the

poet auer son reasonable estouers, donques le graunt auera lauauntdit briefe & est in nature de brief de wast. Et nota que housbote est appelle certeine estouers pur amender sa meason, & heybote est certen estouers pur amẽder heis & hedges.

Quod ei deforceat est un briefe & gist lou tenant en le taile tenaunt in dower, ou tenaunt a terme de vie parde p̄ defaut in aſcun action, donq̄s cestye que parde auera cest briefe vers celuy q̄ recoũa ou vers son heire.

Quo vvarranto est vne briefe & gist lou hõe vsurpe dauer aſcun fraunches sur le

roy donques le roye auera ceſt briefe de luy fait vener deuant ſon iuſtice pur monſtre per quel tytle il clayme tyel fraunches.

kyng, then the kyng ſhal haue this writte, to make him to come before hiz Juſtice, for to ſhewe by what tytle hee claimethe ſuche fraunchiſe.

Rationabilibus diuiſis eſt vne briefe & giſt lou ſount deux ſeigniories in dyuers villes & lun pres lauter & aſcun parcel de vn ſeignioury ou de waſte ad eſte incroch par petites parcels, & donques celuy ſeigniour de quel parcell de terre ou de waſtē ad eſte incroche auera ceſt briefe enuers le ſeignour q̄ ad iſſint incroche.

¶ Rationabilibus diuiſis is a writte, and it lyeth where there are two Lordeſhippes in diuers townes, and one nighe the other, and anye parcell of one Lordſhipp, or of waſte hathe bene encrocht by litle parcels, then the ſame Lorde of whō the parcel of groūde or of waſt hath bene encrocked, ſhall haue thys writte againſte the lorde that hathe ſo encrocked.

Rediſſeiſin, vide de ceo deuaunt in le tytle Aſſiſe.

¶ Rediſſeiſin, looke of that before in the tytle aſſiſe.

Relief

¶ Relief ys whan anye tenant holdethe of anye lord by knightez ſeruice & dyeth his heyre of ful age, than the heyre at the firſte daye of payment ſhal double the rent to ỹ lord. Alſo yf a man holde of the kyng in chiefe and of other lordes, the kynge ſhall haue the warde of all the landes, and ỹ heire ſhall pay reliefe to all the lordes at his ful age, but the Lordes ſhall ſue to the kynge by peticion, and ſhall haue the rente for the tyme that the infaunt was in ward.

¶ Releaſe is when one maketh a dede to another by theſe wordz remiſiſſe, relaxaſſe, & omnino pro me & heredib⁹ meis quietum clamaſſe A.B. totũ

Relief eſt quãt aſcun tenant tient daſe ſeignour p ſeruic de chiualer & deuie ſõ heir de plein age donq; le heir a le prim̃ iour de paymẽt doublera la rent al ſeignior. Auxi ſi hõe tient de roy in chief & des auters ſeigniors, le roy auera le gard de touts les terres & le heire payera reliefe a touts les ſeigniors a ſon plein age mes les ſeigniors ſueront al roy p peticiõ & auerõt le rent pur le tẽps q̃ lenfant fuiſt in gard.

Releaſe eſt quaunt vn fuit fait a vne auter per ſes parols remiſiſſe, relaxaſſe, & omnino pro me & heredibus meis quietũ clamaſſe A.B. totum

ius

ius meum qd' habui, habeo, ſeu quouiſmodo in futur' habere potero in vno meſuagio &c. mes ceux pols quouiſmodo habere potero ſont voydes, car ſi le piere ſoit diſſeiſi & le fits releſe p ſon fait de releſſe ſas garraunty de tout ſõ droit p ſes parols quouiſmodo &c. & le pere murruſt, le fites puit loialm̃t enter ſur le poſſeſſion le diſſeiſor. Auxi in vn releſe il couient a luy a que le releſe ſerra fait q̃ il ad vn frank tenemẽt ou vn poſſeſſion in le terres in fait, ou in lay ou vn reuerſiõ al tẽps a le releſe fait, car ſil nad riens in le terre al temps de releſe fait le releaſe ne ſerra luy

ius meum quod habui habeo, ceu quouiſmodo in futurum habere potero i vno meſuagio, ꝛc. but theſe woꝛdes quouiſmodo habere potero be voyde, foꝛ if the father be diſſeiſed, and the ſonne releaſe by hys owne dede of releaſe without warrantie of all his right, by thoſe woꝛdes quouiſmodo ꝛc. and ꝑ father dieth, the ſonne may lawfully enter in the poſſeſſion of the diſſeiſour. Alſo in a releaſe it is nedeful to hym to whom the releaſe ſhal bee made, that he haue a freeholde oꝛ a poſſeſſion in the landes in dede oꝛ lawe, oꝛ a reuerſion at ꝑ tyme of that releaſe made, foꝛ yf hee haue nothig in the land at the time of the releaſe made, the releas

leaſe ſhal not bee to hym auaylable, but yf a man diſſeyſe another and dyeth ſeyſed, and the lands diſcende to the ſonne although ỹ ſonne doth not enter, yet he hath a free hold in the lawe, that by diſcent is caſt vpon him, & therfore a releaſe made to hym is very good. Alſo yf a diſſeiſour lette landes that hee hathe by diſſeiſin to an other for terme of lyfe, ſaving the reuerſion to him, yf the diſſeiſie or hys heyres releaſe to the diſſeiſor all the right, &c. ỹ releſe is good, for that that he hath a reuerſion at the time of the releaſe made. And in like maner it is wher leſſe is made to a man for terme of lyfe, the remaynder to an other for terme of

auailabl', mes ſi home diſſeiſie vne auter & muruſt ſeiſi, & les terres deſcende a ſõ fits coment q̃ le fits ne entra pas vnc̃ il ad vne franktenement en le ley, que per diſcent é iette ſur luy, & pur c̃ vn releaſe fait a luy é aſſets bon. Auxi ſi diſſeiſor leſſe terres que il ad per diſſeiſin a vn auter pour terme de vye ſauaunt la reuerſiõ a luy ſi l' diſſeiſee ou ſon heir releaſe al diſieiſor tout le droit &c. cel releſſe eſt bon pur ceo que il auoyt vn reuerſion al tẽps de releſſe fait, et en meſme le manner eſt lou leſſe eſt fait a vne home pour terme de vye le remaynder a vn auter pour terme

de

de vie le rem̃ a vn au ter in le taile, le rem̃ a vn auter in fee, ſi vne q̃ ad droit releaſe a aſ cun de eux in le rem̃ tout ſon droit tiel releſſe eſt bon, pur ceo q̃ cheſcun de eux ad vn rem̃ in fait veſtu in luy, mes en tiel cas ſi le tenant a term de vie ſoit diſſeiſy le poſ ſeſſion in le diſſeiſour & celuy que ad droit releſſa a vn deux in le remainder tiel releſſe eſt voide pur ceo q̃ il nad forſq; vn rem̃ in droit et nemy en fait Auxi vne releaſe fait a celuy in le rem̃ in fait aydera celuy que ad le franke tenem̃t, & vn releſſe fait a celuy que ad le franke-tenement iurera & aydera ceux en le reuerſion ou en le re-

lyfe, the remainder to an other in taile, the remain der to another in fee, yf one that hath right, relea ſe to any of thē in the remainder all his ryghte, ſuche releaſe is good, for that that euerye of them hathe a remainder in dee de veſted in hym, but in ſuche caſe yf the tenaunt for terme of lyfe bee diſ ſeyſed the poſſeſſion in the diſſeyſor, and hee whiche hathe ryghte re leaſe to one of them in ȳ remainder, ſuche releaſe is voide, for that that hee hathe not but a remain der in righte and not in dede. Alſo a releaſe made to him in ȳ remainder in dede ſhall ayde hym that hath the free hold, & a re leaſe made to him whych hath the free hold ſhal in bre, and helpe them in ȳ

reuerſion

reuerſion or in ẏ remain der yf they can ſhewe it. Alſo if I make leaſe to a man for terme of yeares, and yf I releaſe to hym all my right before ẏ hee entre in the land, ẏ relea ſe is voyde, for ẏ that hee hath not poſſeſſion at the time of the releſe. But if hee bee entred and hathe poſſeſſion, the releaſe is good to him. But in ſuch caſe hee hathe not by my releſe, but eſtate for ter- me of hiz life. For if I ma ke leaſe to a mã for terñ of lyfe, and I releaſe to hym all my righte, not ſaying any more thã eſta te by ſuche releaſe is not enlarged. But if I releſe al my right to haue to hi & his heires, thẽ he hathe fee ſimple, & if I releaſe to hym & to his heyres of

mainder, ſils č poynt monſtre. Auxi ſi ieo fait leas a vn hõe pur terme dans, & ſi ieo releſſe a luy tout mõ droyt deuaunt que il entra en le terre, ceſt releas eſt voyde, pur ceo que il nauoit poſ ſeſſion al temps del releaſe, mes ſil vſt en- tre & ad poſſeſſion, la releaſe eſt bon a luy, mes in tiel caſe il nad per mon releaſe, forſ que eſtate pur terme de ſavie, car ſi ieo fait leaſe a vne home pur terme de vie, & ieo releſſa a luy tout mõ droit, ſans pluis dire, ore leſtate per tiel re leaſe neſt mye enlarg mes ſi ieo releaſe tout mon droit a auer a luy & ſes heires, don- ques il ad fee ſimple,

et

& si ieo releſſe a luy & a ſes heires de ſon corps, donq; il ad fee taile. Et iſſint il couient de ſpecifier en le fait de releſe q̄l eſtate celuy a q̄ le releaſe ē faie auera. Mes ſi ieo ſoy diſſeiſi, & aps ieo releſe al diſſeiſor tout mon droit ſans pluis dire, dōq; p cel releſſe l' diſſeiſor ad vn droi turel fee ſimple pur c̄ q̄ il auoit vn fee ſimple adeuant. Et pur c̄ nota bene quaunt vn a q̄ le releaſe eſt fayt ad fee ſimple, il nē be ſoigne de parler a aū a luy & ſes heirs, mes quaunt vne home ad eſtate pour terme de vie, il couiēt a dire in le releſſe, a luy & ſes heires, ou a luy & ſes heirs de ſon corps, ou

hys body, then hee hathe fee tayle, and ſo he ought to ſpecifie in the deede of the releaſe what eſtate hee to whome the releaſe is made, ſhall haue. But yf I bee diſſeyſed, & after I releſe to the diſſeiſour all my righte without anye moze ſayinge, then by ſuche releaſe, the diſſeiſoure hathe a righte full fee ſimple, foz that he had a fee ſimple befoze. And foz that note well when one to whom the releaſe is made, hath fee ſimple, yt is nede to ſay, to haue to hym and hys heires. But when a man hathe eſtate foz terme of lyfe, hee oughte to ſaye in the releaſe, to him and hys heyzes, oz to hym and hys heyzes of hys bodye oz otherwiſe hee

hath

hathe no greater estate then hee had before.

¶ Remitter is, when a man hathe two tytles to anye lande, and hee commeth to the lande by the last tytle, yet hee shalbee iudged in by force of hys elder tytle, and that shal be sayde to hym a remitter, as yf the tenaunt in the tayle discontinue the tayle, and after dysseyseth hys discontinue and dyeth thereof seysed, and the landes discendethe to hys yssue or cosin collateral by force of the tayle, in that case hee is in hys remitter, that is to say, seised by force of the tayle, and the tytle of the discontynue is vtterlye annulled and defeated, & the reason and cause of

auterm̃t il nad pluys greinder estate que il auoit adeuant.

Remitter est quant vn home ad deux titles a ascun terre, & il vient al terre p le dar rein title, vnc̃ il serra adiudge eins p force de son pluis eisne tytle, et ceo serra dit a luy vn remitter cõe si tenaunt en le tayle discontinua le tayle, & puis diss. son discõtinue & murrust ent seisye, et les terres discendõt a son issue ou cosin inheritable per force del taile, in ceo case il est in sõ remitter. s. seisye per force del tayle, & le tytle del discontinue est ousterment anyent & defeate, & le reasone & cause de

tyel

tiel remitter eſt, pur ē q̄ tiel heire é tenaunt del terre, & neſt aſcū pſon tenant vers que il poit ſuer ſon briefe de Formedon pur recouer leſtate tail, car il ne puit auer action vers luy meſm̄. Auxy ſi tenant in le taile infeoffa ſon fits ou heir apparaunt in le tayle que eſt deins age, & puis deuie, ceo eſt vn remitter al heire, mes ſil fuit de plein age al temps del tiel feoffement, il neſt remitter pur ceo q̄ il fuit ſō folye que il eſteaunt de pleine age, voile prēder tiel feoffement. Auxi ſi le barō alyen terre que il ad en le droit ſon fēe, & puys repriſt eſtate a luy & a ſon feme pur terme

of ſuche remitter is, for ỹ that ſuche an heyre is tenaunt of the land, & ther is no pſon tenant againſt whō he may ſue his writ of Formedone for to recouer the ſtate tayled, for he may not haue an actiō againſt himſelf. Alſo if te nāt in ỹ taile infeoffe his ſonne or heyre apparant in the taile which is w̄in age and after dyeth, that is a remitter to the heire. But if hee were of ful age at the tyme of ſuche feoffement, it ys no remitter, for that that it was hys foly, that hee beynge of full age, woulde take ſuche a feoffement. Alſo if the baron alien landes that hee hath in the right of hys wyfe, & after take an eſtate agayn to hym and to his wife for terme

of

of their lives, that is a re mitter to the woman for that that this alienacion is the acte of ỹ baron and not of the woman, for no foly may be adiudged in the woman durynge the lyfe of her husbande, but if such an alienacion be by fine in court of re-corde, suche a takinge a-gaine afterwarde to the barron & wife for terme of theire lives, shall not make the woman to bee in her remitter, for ỹ in suche a fine the woman shalbee examined by the iudge, & such examinacions in fines, shal exclude suche women for euer. Also whē the entre of a-ny man is lawfull, & hee takethe an estate to hym when he is of age, if it be not by deede indented, or mater of record, which

de lour vies, c̄ est vne remitter al fēme, pur ceo q̄ cē alienacio̅ est lacte le baro̅ & nemy le feme, car nul folly puit eē adiudge en le feme durant le vie le baron, mes si tiel alie-nacio̅ soit per fine en court de record, tyel repriſell apres al baro̅ & feme pur terme de lour vyes, ne ſerra la feme deſte en ſon re-mitter pur c̄ q̄ en tiel fine le feme ſerra exa mine p̄ le iudgem̄t, & tiels examinacions en fines, excluderont ti-els femmes a toutes iours. Auxi quant en tre daſcun home eſt congeable & il pryſt eſtate a luy quaunt il eſt de pleine age ſi ne ſoyt per fayt indente ou matter de record, que luy eſtopera, ceo

ſerra a luy bon remit ter.

Rents ſount en diuers maners, ceſtaſcauoyr, rent ſeruice, rẽt charge, & rent ſeck. Rent ſeruice eſt, lou le tenaunt en fee ſimple tiẽt ſa terre de ſõ ſeigniour per fealtye & certaine rent, ou p auter ſeruice & rent, & dõque ſi rent de le tenaunt ſoit arrere, le ſeignior puit diſtrayn pur la rent, mes pur ẽ il iammais nauera action de dette. Auxi ſi ieo done terres en le tayle a vn home rendant a moy certayne rent, ore tiel rente eſt rẽt ſeruice, mes en tiel caſe il couient q̃ le reuerſiõ ſoit en le donour, car ſi home fait feffm̃t en fee ou dõe

ſhall eſtoppe hym, that ſhall bee to hym a good remitter.

¶ Rentes bee in dyuers maners, that is, rent ſeruice, rent charge, & rent ſecke. Rente ſeruyce is, where the tenant in fee ſimple holdeth his lande of his lord by fealtie and certaine rent, or by other ſeruice and rent, and thẽ yf the rent of the tenant be behinde, the lord may diſtrain for the rent, but for that he ſhal not haue an action of det. Alſo if I geeue lande in taile to a man payinge to me certain rent, then ſuch rent is rente ſeruice. But in ſuch caſe it ought ẏ ẏ reuerſion bee in ẏ donour, for if a mã make feffemñt in fee, or a gift in taile, ẏ remaynder ouer in fee

With-

wythoute deede, reseruinge to him a certayne rente, suche reseruacion is voyde, and that is bye the statute Quia emptores terrarum, and then hee shal holde of the lord of whom his donoure held. But if a manne by deede indent at suche a daye make suche gifte in tayl, the remainder ouer in fee, or lease for tearme of life, the remaynder ouer, or a feoffement, and by the same endēture reserue to him rente, and that if the rent be behind that well it is lawfull to hym to distrayne, thenne such rent is rent charge. Butte in suche case, yf there bee not anye such clause of dystresse in the deede, then suche rent is called rente secke.

en le taile, le remaynder ouster en fee, sās faite, reseruaunt a luy vn rent, cest reseruacion est voyde, & c̄ est per force del statute quia emptores terrarum, & donques il tiendra de le seignior de que en donour tenoyt, mes si hoīn per fayt indent a cel iour fayte tyel done en le tayle, le remaynder ouster en fee, ou lesse a terme de vie, le remaīder ouster ou vn feoffement, & per m̄ lendenture reserua a luy vn rent, & que si le rente soyte arrere, que byen lirroit a luy a dystreyner, ore tyel rent est rent charge, mes en tiel case si ne soit ascū tiel clause de distr' en le fait dōq; tiel rēt ē appel rēt seck,

& pur tiel rent ſecke, il ne iammais diſtreynera, mes ſil fuit vne foits ſeiſi, il auera Aſſiſe, & ſi il iammays ne fuit ſeiſy eſt ſauns remedye. Auxi ſi vne grant vn rent iſſaunt hors de ſa terre oue clauſe de diſtreſſe, cē vn rēt charge, & ſi le rent ſoit arrere, le grā tee poit eſſier de dyſtreiñ ou ſuer vn brief dānuitie, mes il ne puit auer ambideux, car ſil port briefe dannuitie, donques le terre eſt diſcharge. Et ſil diſtreiñ & auowa la priſe en courte de record, donques le terr' eſt charge, & le perſon del grantour diſcharge. Auxy ſi vne grant vn rēt charge, & la grauntee pourchaſe le moytye de

and for ſuche rente ſecke he ſhall neuer diſtraine, but if he were once ſeiſed he ſhal haue aſſiſe. And if hee were not ſeyſed, it is wythoute remedy. Alſo if one graunt a rente goinge oute of his lande with clauſe of diſtreſſe, ẏ is rente charge and yf the rent bee behinde, the grauntee maye chooſe to diſtraine or ſue a writ of Annuitie, but hee cannot haue bothe, for yf he bringe a writ of Annuitie, then the lande is dyſcharged. And if hee dyſtraine & auow ẏ takyng in the court of record, thē the land is charged, & the perſon of the grauntour diſcharged. Alſo yf one graunt a rente charge, & ẏ grauntee purchaſe the half of the land, then all

the

the rent is extinct, but in rent seruice if the Lorde pourchase parcelle of the lande, thenne the rente shall bee apportyoned but yf one hathe a rente charge and hys father pourchase parcell of the lande and that parcelle descende to the sonne which hath rent charge, then the rent shall be apportyoned accordynge to the value of the lande as it is saide of rent seruice, for that ỳ the sonne commeth to that not by hys owne acte, but by discēt. Also if I make a lease for terme of yerez reseruing to me certaine rent, that is called a rente seruice and for that it is at my libertie to distrayn for the rent, or to haue an action of det, but if ỳ lease be determined, & the rent bee

la terr' ore tout le rēt est extinct, mes en rēt seruice si le seignior purchace parcels del terre donques le rent serra aporcion, mes si vn ad vn rent charge & son pyer purchase parcel del terre & cel pcel descend a le fits que ad le rent charge ore cel rent serra apporcion solonq; le value del terre come est dit de rent seruic̄, pur ceo que le fits ne vint a ceo p̄ son act demesme mes par discent. Aux si ieo fait vn lesse pur terme dans reseruant a moy vn certain rent, cē appel vn rent seruice: & pur c̄ il est a mon libertie a distrainer pur le rent ou auer vn action de det, mes si le lesse soit determyne, & le rent

ſoit arrere, donq̃s ieo ne puiſſe diſtrein, mes ſerra mis a mon actiõ de dette.

behinde, then I cannot dystraine, but ſhall bee put to mye action of det.

Replicacion eſt quãt le def.en aſcun actiõ fayte reſpons a ceo, ceſt eſt appell la repli cacion le plaintife, & reioinder eſt quaunt le defendaunt fayte reſpons al replycaci-on.

¶ Replycacion is when the defendaunt in anye actiõ maketh an aũſwer and the plaintif makethe an aunſwer to that, that is called the replicaciõ of the plaintif, and a reioin der is when the defendãt maketh aunſwere to the replicacion.

Repleuin eſt vne briefe & giſt quaunt aſcun home diſtraine vn auter pour rente ou auter choſe, don-ques il auera ceſt brif al vicont pour dely-uer a luy la diſtres & trouera ſuerty de pur ſuer ſon action, & ſi il ne pourſua ou ſoyt troue & iudged en-counter luy donques ceſty que pryſt la re-

¶ Repleum is a writte & it liethe when anye man diſtrainethe another for rent or other thing, then hee ſhal haue this writ to ỹ ſhirif to deliuer to him the diſtres, and ſhal find ſuertie to purſue his ac-tion, and if hee p̃ſue it not or if it bee founde or iudged againſt him, then he that tooke the diſtres

ſhal

shal haue the distrez, and that is is called ꝯ return of the beasts, and he shal haue in suche case a writ that is called returno habendo. Also if it bee in anye fraunches or bayliwike the party shal haue a repleuin of the shiryffe direct to the bailise of the same franches for to deliuer them again and he shal finde suertie to pursue his action at the next coũt & this repleuin may be remoued out of ꝯ coũtye vnto the comen place by a writ of recordardare loke more of ꝯ repleuyn in the title distres. Also a writ de homine replegiãdo lieth wher a mã is in prison & not by special cõ maũdmẽt of ꝯ kig nor of his iustice, nor for ꝯ deth of a manne nor for the kinges forestе nor suche auer a le distres & cẽ appel return des aũs, & il auera en tiel case briefe q̃ est appell de returno habẽd'. Auxi si soit en ascun fraunches ou bailiwik le pty aũa vn repleuī del viĉ direct al bailif de īm le franches pur eux redelyuer & trouera suerty de pursuer son acc̃ al prochein county, & cẽ repleuin puit este remoue hors del countye en le comen bank p brief de recordare, vide pluis de repleuin deuant titulo distrez. Auxi brief de homine replegiando gyst lou home est en prison, & nemy p especial commaũdemẽt le roy ne de ces iustices, ne pour mort de home ne pur le forest le roye ne pour tyel

cause que nest repleuisable, donques il auera cest brief dyrect al vicont q̄ il luy fair esse repleuyn et cest briefe est vn iusti c̄ & nyent retournable,& si le vicont ne c̄ face donques issera auter briefe sicut alias & apres,auter brief sicut pluries , vel causam nobis significes que serra retournable, et si le vicont vnquore ne face repleuin,donques issera vn attache ment vers le vicount direct al coroners dat tacher le vicount & de luy amesner deuāt les Iustice a vne certayne iour & ouster ceo que ils facent execucyon del primer briefe.

cause that is not repleuisable,then hee shal haue this writte directed to the shirife that he cause him to be repleued, this writ is a Justices and not returnable, and yf the shirife doe it not, then there shall goe foorthe another writte, sicut alias and afterward another writte sicut pluries vel causam nobis significes , whiche shallbe retournable,and if the shiriff yet make no repleuin then there shall goe foorthe an attachement against the shiriffe directed to the corroners to attache the shiryf and to bringe hym before the Justice at a certain day, and furthermoze ỳ theye make execucion of ỳ first writ.

Rescous é vn brif &

¶ Rescous is a writ and

it

It lyeth when anie man taketh a distresse and a nother taketh it againe from hym and will not suffer him to bringe the distresse with hym then hee dothe to him rescous and vppon that he may haue this writ and shall recouer damage. Also yf one distraine beastes for damnage fesaunt in his grounde and driueth thē in the hye way for to impoūd them and in going they enter into the house of him whose theye bee, & hee withholdeth them there and will not suffer ꝯ other to impound them then that withholdynge is rescous.

¶ Resceyt is when anye actyon ys broughte agaynste the tenaunt for terme of life, or tenaunt

gyst quant aseū hom̄ prēt distres et vn auter repriſt la distresse a luy & ne luy voyle suffer amesne le dystres oue luy donques il fait a luy rescous & sur ceo il puyt auer ceſt briefe & recouera dammages. Auxi si vn distrain bestes pur dammage fesaunt en sa terre & les enchasa per le haute chymyn pur eux enparker & en alant ils entrente en le meason celuy a que ils sount, & il eux detient la & ne voile suffer lauter de eux imparker donques ceo deteyner est rescous.

Resceyt est quant ascun actyon est port vers tenant pur term̄ de vye, ou tenaunt a

terme

term dans & ceſti en la reuercion vint eins pur pria deē reſceiue pur defēd' la terre & pur plede oueſque le demaūd. Auxi quant il vint il couient q̄ il ſoit touts foits priſt a pleder oue le deman daunt. Scire facias eſt vn brief iudiciall iſſāt hors de recōrd et giſt lou vne ad recoū det ou damages en court le roy, & il ne ſue pas daū execucion deins lan & le iour dōques apres lan & iour il a-uera le dit brief agar-ner le parte, & ſi le p-ty ne vein ou ſil vein & ne ſauoit ryēs dire encoūter execucion donques il auera vne brief de fieri facias di-recte al vycount luy commaundant que il leue le det ou les dam̄

for terme of yeares, and hee in the reuerſion com-methe in and prayethe to be receiued for to defend the land, and for to pleds with the demaundaunt. Alſo when he commethe it behoueth that he be al-way redy to plede w̄ the demandant. Scire facias is a writ iudicial goinge out of ỹ record, & it lyethe wher one hath recouered det, or dāmagez in ỹ kin-ges court & he ſueth not to haue execuciō w̄in the yere & ỹ day, then after ỹ yere & ỹ day he ſhal haue ỹ ſaid writ to warn ỹ par-ty & if ỹ partye come not or if he com & nothing ſai againſt ỹ execuciō, thē he ſhal haue a writ of fieri facias directed to ỹ ſhirif him commaunding ỹ he leuy ỹ det or damages of the good

the goods of him ỹ hathe loſt. Alſo this writ of fieri facias lieth within the yere without anye ſcire facias ſued. Alſo if ỹ cõm of the ſame det or dãmages may not be leuied of the goods of him ỹ hathe loſt them, he may haue a writ of elegit dyrected to the ſhirif ỹ bee cauſe him to deliuer the one half of his lands & goods except his oxen & implementes of his carte. Alſo when one hath recouered det or damages in an actiõ perſonal (wher the proces is a capias) he may haue another writ of execution called a capias ad ſatiſfaciendum for to take ỹ body of him ỹ is ſo cõdempned which ſhalbee cõmitted to priſõ ther to abide wout bail or maiprize til ỹ he hath ſatiſfied ỹ parti des bñs celuy q̃ ad pdne. Auxi cẽ brief de fieri facias giſt de les lã ſans aſc̃ ſcire facias ſuer. Auxi ſi le ſom̃ de m̃ le det ou damages ne puyt eſte leue des bñs celuy q̃ auoit per due donq; il puyt aũ vn brief de elegit dyrect al vic̃ q̃ il fac̃ luy deliũ la moit de ſa terre & biens except ſes boues & affreis de ſa carue. Auxi quant vn ad recoũ det ou dam̃ en action pſonal (lou le proces eſt vn capias) il puit aũ vn auter brief de execuciõ appel capias ad ſatiſfaciendum pour prender le corps celuy que eſt iſſint condempñ que ſerra commit al priſõ illõq; a demurrer ſans bail ou mainpriſe tãq; il ad ſatiſfie le partye.

Auxi

Auxy quaunt vne ad iudgement de recouer aſcũn terres ou tenementes il auera vn brief appel habere facias ſeiſinam direct al vicount luy commaũdaunt de delyũ a luy ſeiſin de meſme le terre iſſint recouere, vide plus de ceo en le title fieri facias, & en le tytle execucion.

Alſo whenne one hathe iudgement to recouer any lands or tenementes he ſhal haue a writte called habere facias ſeiſinã directe to the ſhiryfe him commaundinge to delyuer to hym ſeyſin of the ſame lande ſo recouered. See more of that in the title fieri facias, and in ỹ title execucion.

Seruice de chyualer vide de ceo en le title graunde ſergeantie, & en le title eſcuage.

Seruyce de chyualer, looke of that in the tytle graunde ſerieauntye, and in the tytle eſcuage.

Summons ad warrantizandum & ſequatur ſub ſuo periculo, vide de ceux apres en le tytle voucher.

Summons and warrantizandum ỹ ſequatur ſub ſuo periculo, ſee of them after in the tytle voucher.

Taile vide de ceo deuãt en le title fee tail.

Taile looke therefore beefore in the tytle fee tayle.

Trea-

¶Treſure troue is whē anie moneye, golde or ſilver, plate or bolleyne, is founde in anye place, and noe manne knowethe to whom the proprtye is, then the proprtie therof belongeth to the kyng, & that is called treaſure troue, that is to saye, treaſure founde. But yf anye myne of mettal bee founde in any grounde, that alwaye pertaynethe to the lorde of the ſoile, except it be a mine of golde or ſilver which ſhalbe alway to ỹ kyng in whoſe grounde ſoever they bee found.

¶Treaſon is in two maners, ỹ is to ſay, graund treaſon & petit treaſō, as it is ordeined by the ſtatutes and therefore loke the ſtatutes.

Treaſure troue eſt, quaunt aſcun money or, argent, plate ou bolio, eſt troue en aſcū lieu, & nul conuſt a que le proprety eſt donques le propretie de ceo appertient al Roye, & ceo eſt dit treaſure trove. Mes ſi aſcun mineral de mettall ſoyte troue en aſcun terre, ceo toutes foytes pertient al ſeigniour del ſoil, forſque que il ſoyt minerall de or, ou de argent, queux ſerrount toutes foites al roye, en quecunq; ſoil q̄ ils ſont troues.

Treaſon eſt en deux maners. s. haute treaſon, & petyt treaſon, come eſt ordeine per leſtatuts, & ideo vide ſtatuta.

waſte

Waſt eſt vn briefe & giſt lou tenãt a terme dans, tenaunt a terme de vie, ou tenant pur terme dauter vie, teñt en dower, ou tenaunt per la curterſi, ou gardein en chiualry fayt waſte ou deſtruction ſur la terr'. s. ſil debruſa meaſon, ou coupe meriſme, ou ſuffer le meaſon voluntarilye pur eſchier, donq; cẽi en le reuerc̃ auera cẽ brief & recouera le lieu ou le waſt fuit fait &. iij. dam̃, mes ſi hom̃ coup̃ meriſm̃ ſans lycence, & oueſque ceo repaire les auncyens meaſons, vnc̃ ceo nẽ pas waſt. Mes ſil oueſque le meriſme edifia vn nouel meaſon dõques le couper de tyel meriſme eſt waſte. Auxi le coup de ſub-

Waſt is a writ and it lyeth where tenaunt for terme of yeres, tenãt for terme of life, or tenãt for terme of anothers life, tenant in dower, or tenãt by ẏ curteſie, or gardeyn in chiualrye dothe make waſt or deſtruction vpõ ẏ lãd, ẏ is to ſay, pulleth down ẏ houſe, or cutteth down tiber, or ſuffereth ẏ houſe wiklingly to fal, then he in ẏ reuerſiõ ſhal haue this writ, & ſhal recouer the place wher the waſt is done, & treble damages. And if a man cut down timber without licence & ther w̃ repayreth olde houſes, yet ẏ is noe waſt. But if he w̃ ẏ timber builde a newe houſe, then ẏ cutting downe of ſuch timber is waſt. Alſo ẏ cuttinge downe of vnderwood

vnderwood or willous, whiche is no timber shal not be said waste, but yf they growe in the syghte or shadow of the house.

boys ou wyllous que nest pas merisme, ne serra dyt waste, synon que ils cressount en le view del site del meason.

¶ Vyew is when anye action reall is brought & the tenant knoweth not wel what land it is that the demaundant asketh, then the tenãt shall pray the view, that is to say, ỹ he may see ỹ land which he claimeth. But if the tenant hath had the viewe in one writ, and after the writ is abated by mysnomber of the towne, or by ioyntenure, & after the demaundant bryngethe another writ against the tenant, then the tenaunt shall not haue the vyewe in the second writ.

Viewe est, quaunt ascun action reall est port & le tenaunt ne scauoit biẽ quel terre il est que le demaundant demaũd donq; le tenant priera la view.s.que il puit voyer le terre que il clayma. Mes si le tenaunt ad ew le view en vne briefe, & puis le brief est abatus per mysnomber de vylle, ou per ioyntenure, & puys le demaundaunt port vne tyel bryefe vers le tenaunt, donque le tenaunt naura le view en le secõd briefe.

Vil-

Villenage eſt vn tenure, & eſt quant vn hõe tient de ſon ſñr p villein ſeruices, come de carier le fine le ſñr ou auter vile ſeruice, & ceſt tenure ne fra frank home villeine, car vn villeine eſt celuy que eſt villein de ſank & de tenure, & le ſeigniour puyt luy ouſter de ſes terres & tenementes, & puyt prender tout ſes bñs, & luy chaſtyſer a ſon pleaſure, ſalue que il ne puyt luy mahym, car donque il auera vers ſon ſeigniour vn briefe de mahyme, & aſcuns ſont villeynes per title de preſcryption, que toute loure ſank ont eſte villeins regardaunts a le maner dun ſeigniour de tẽps de nõ memorye.

¶ Wyllenage is a tenure and is whenne a manne holdethe of hys lorde by vylleyne ſeruyce, as to carye the donge of hys lorde, or other vyle ſeruyce, and ſuche tenure ſhal not make a free mã vylleyne, for a vylleyne is hee whiche is villeyne of bloude and of tenure, and the lorde maye put him from his landes and tenementes, and maye take all his gooddes, and chaſtice him at his pleaſure, ſauing that he cannot maime him, for then he ſhal haue againſt hys lorde, a writte of Mayhem. And ſome bee villeins by title of preſcripcion, that is to ſay, ỹ they haue been villeins regardãtz to ỹ maner of a lord of time of noe memorye.

And

And ſom be vylleins by their cõfeſſion in a court of recorde. Alſo the lorde maye make a manumiſſion to his villayne, and make hym free for euer. Alſo yf the villein bring anye action agaynſte his lorde, yf it bee not Appele of mahyme, and the Lorde make aunſwere vnto it, then by this the villein is made free. Alſo yf a villayne purchaſe land, and hath goodes, & ſell the landes and goodes before anye entree or ſeyſine made by the Lorde, the ſale is good. But the kynge whiche is Lord of a vylleyne in ſuche caſe maye enter & ſeyſe the lande after ſuch ſale made, for no tyme runnethe agaynſte the kynge.

Et aſcũ. ſont fait villeins p lour confeſſiõ en vn court d'record Auxi le ſeignior puit faire vn manumiſſion a ſon villein & luy inſraunchiſer a toutes iours. Auxi ſi le villeī port aſcun actiõ vers ſon ſeignior, ſi ne ſoit Appell de mahim, & le ſeigniour a ceo fait reſpons, donques per ceo le villeine eſt infraunches. Auxi ſi vn villein purch. terre, & ad biens & vende les terres & biens deuãt aſc̃ entr' ou ſeiſin fait p le ſeignñ, la vend' eſt bon, mes le roy que ẽ ſeignior de villein in tiel caſe puit enter & ſeiſer le terre aps tyel vende fait, quia nullum tempus occurrit regi.

Wil

Vi laica remouenda eſt vne briefe, & giſt lou debate eſt ꝑenter deux ꝑſons ou ꝑuiſours dune eſgliſe, & lun enter en leſgliſe, oue grand power de lay homes & tiēt lauter de hors oue force & armes, donq; celuy q̄ eſt tenus de hors, auera le dit briefe dyrect al vicount que il remoua ceſt power q̄ eſt deins leſgl' & ferr' commaunde al vic̄ q̄ ſil troue aſcuns hōes la contriſteaunts, que le vic̄ prender oueſq; luy la poyar de ſon coūty ſi beſoign̄ ſoyt & fra attache p lour corps toutes ceux luy reſiſteants, & les mittera in priſon iſſint q̄ il eyt lour corps deuant le roy a certein

¶ Vi laica remouēda is a writ, and it lyeth wher debate is betwene two perſons or prouiſors for a Church, and one of thē entrethe into the churche with great power of laie men, and holdeth ẏ other out with force ⁊ armes, then hee that is holdē out ſhal haue thys writ directed to the ſherife that hee remoue ẏ power which is within the church, and the ſherife ſhalbee commaunded that if hee find anye men there withſtādyng, that ẏ ſherife ſhall take with hym the power of his countie if nede be, and ſhal arreſt the bodies of all them him reſiſting, and ſhall put them in priſon, ſo that he haue their bodies before ẏ kīg at a certaine day to aunſwere

swere to the contempte. And thys writte is returnable, and it shal not bee graunted before that the bishop of the place wher suche a churche is, hathe certified in the chaūcerye suche resisting & force.

¶ Withernam. Loke therfor before in the title Distresse.

¶ Vtrum is a writte, & it lyeth when the right of anye churche is alienied and holden in laye fee, or translated into the possessiō of an other churche, & the alienour dieth, then hys successour shall haue the sayd wryt. And note well that none that hathe couente, or commen seale maye maintayne thys wrytte, but a writ of Entre sine assēsu

iour de respōder del contempt. Et ceste br' est retournable & ne serra graunt deuaunt que leuesque del lieu lou tiel esglise est, eyt certifye en le chauncery tiel resistance & force.

Withernam. Vide de ceo deuant, titulo Distresse.

Vtrum é vn briefe & gist quant le droit dascun esglise est aliē & tenus in laye fee ou translate in possession dauter esglise, & le alienour deuie, dōques son successoure auera le dit briefe. Et nota que null que ad couent ou commenseale puit mainteiner ceste briefe, mes briefe Dentre sine assensu

capituli de alienatiõ fait per ſon predeceſſour.

Volunte eſt,quant le tenant tient a la volunte del leſſour ou del ſeigniour,& c̃ eſt in ii.manners,vne eſt quant ieo fait leſſe a vn home des terres,a tener a ma volunte, dõq; ieo puis luy ouſta a mõ pleaſure,meſ ſi il emble le terre, & ieo luy ouſta,donq; il auera ſon imblement & egreſſe & regreſſe ieſq; ils ſont matures pur eux ſcier & carier hors del terre & tyel tenant a volunte né pas tenus de ſuſteiner & repairer le meaſõ ſicome tenant a term dans eſt tenus,mes ſil fait voluntarye waſt, le leſſour auera vers

capituli of the alienaciõ made by hys predeceſſoure.

¶ Volunte is, when the tenaunte holdethe at the will of the leſſour, or of the Lorde,and that ys in two maners. One is, when I make a leaſe to a man of landes,to holde at my will,than I maye put hym out at my pleaſure.But yf hee ſowe the grounde, and I put hym oute,then hee ſhall haue his corne,and goyng out and comyng in tyll they bee rype to cut and carye out of the grounde. And ſuche tenant at will is not ſo bound to ſuſteine and repaire the houſe as a tenant for terme of yeres is bound.But yf hee make wilful waſt, ỹ leſſour ſhall haue agaynſte him

hym an actiō of treſpas. Alſo ther is an other tenant at will of the lorde by copy of court rolle according to the cuſtome of the maner. And ſuch a tenaunt maye ſurrender ꝧ landez into the handes of the lorde by cuſtome to ꝧ vſe of an other for terme of lyfe, or in fee ſimple, or in cayle, and then he ſhal take the lande of ꝧ lorde, or hys ſtelwarde by coppye, and ſhall make fyne to the Lorde: but yf the Lorde put oute ſuche a tenant hee hathe no remedye but to ſue by petition and if ſuche a tenaunte will implede another of the landes &c. hee oughte to enter a plainte in the courte, and ſhall declare in the nature of what writte hee wyll as the

luy vn action de treſpas. Auxy eſt auter tenant a volunte del ſeignior per copy de court rol ſolonque le cuſtome del manner. Er tiel tenaunt puit ſurrender le terre en le mains le ſeigniour par le cuſtome al vſe vn auter pur term de vie, ou in fee ſimple, ou fee taile, et donq; il prendra le terre del ſeignor ou ſon ſeneſchal par copy, & ferra fine al ſeignor, mes ſi le ſeigniour ouſta tiel tenaunt il nad remedye mes de ſuer ꝑ peticion & ſi tiel tenaunt voile implede vne auter des terres &c. il couyent enter vne plaint in le court & countera en le nature de quell briefe

il voit sicome le case gist.

Vtlary est quant exigent issint vers ascũ home & proclamacion fait in v. counties, donq; a le v. countye si le def. napere le coroner donera iugemẽt q̃ il serra hors de protectiõ de roy & hors del eide le ley, & per tiel vtlagarie in accions psonels le partie vtlage forfetera toutes ses biens & chateux al roy. Et p vtlagary in felony il forfetera auxy biẽ touts ses terres & tenemẽts q̃ il ad in fee simple, ou pour tearme de sa vie: come ses biens & chateux. Auxi mesq; vn home soit vtlage vncore si ascun discõtinuaunce ou errour

cause lyeth.

¶ Utlary is when an exigent goeth forthe against any man, and proclamacion made in. v. counties, then if the v. countey & defendaunt appere not; thẽ the coroner shal giue iugement that he shall be oute of the protection of the kyng, and out of the eyde of the lawe, and by such an vtlary in accions personels the partie outlawed shall forfayte all his goodes and catels to the kyng, and by an vtlary in felony he shall forfet aswell all his landes, and tenementes that hee hath in fee simple, or for terme of hys lyfe, as hys goodes and catels. Also though a man bee outlawed yet yf any errour or discontinuaunce bee in ỹ

suite

suite of the prores the pte therof shal haue aduaun tage, and for suche cause ỹ vtlary shalbe reuersed, & adnulled. Also yf the pte defendaunt bee ouer ỹ sea at the time of the vtla rye pronounced that is a good cause of the reuer sall of the vtlarie. Also if an erigent bee awarded agaynste a man in one counte where hee dwel leth not, yet an erigẽt wo proclamation shall goe forth to the counte wher hee dwelleth, or els if he bee thereupon vtlawed the vtlarie may be reuer sid as it appereth by the statute made the iiij. yere of kyng Henry. viij. Also if a man be outlawed in an accion parsonel at the suyte of an other, and after hee purchase hys

soit in la suit del pces le partie de ceo a uera la aduantage & pur tiel cause lutlaga ry serra reuerse & ad nul. Auxi si le parte defẽdant soit vtter la mere al temps de vt lagarie pnounce ceo est bone cause de re uersall del vtlary. Auxi si vn exigẽt soit agard vers vn hoe in vn countye lou il ne demurra pas, vncore vn exigent oue pcla macio issera al coũte lou il demurre ou au terme sil soit sur c vt lage vtlagary puit ce reuerse coe appierte per lestatut fait anno iiij. Henrici octaui. Auxi si vn soit vtlage in action personel all suyte dune auter & puis il pourchasa son

P.iiij. char-

charter de pardon de roy tiel charter ne ser ra iammes allow tanque il ad sue vn brief de scire facias de garñ le parte pleintife, & si il appere, donques le defendant respondera a luy & luy barrer de sa action ou auter ment de ferra agreement ouesq; luy.

Wreke est lon vn niefe est parish sur la mere, & nul home escape viue hors de niefe & la niefe ou pte del niefe issint perish ou les biens in la nief vynt al terre dascun seigniour, le seignior les auera come vne wreke de meere, mes si chien ou echate escape viue issint que la partie a que les biens sont veigne deins lan

charter of pardon of the kynge, such charter shall neuer be allowed, tyl he hathe sued a writte of scire facias to warne the pte playntife, and yf hee appere, then the deff. shal aunswere hym, and barre hym of hys action, or els to make agreemente with hym.

¶ Wreke ys where a shippe is perished on the sea, and no man escapeth a liue oute of the shippe, and the shippe, or parte of the shippe so perished, or the goodes in the shippe come to the land of anye Lord, the Lord shall haue that as a wreke of the sea, but yf a dogge, or cat, escape a lyue, so ẏ the party to whome the goodes belong come wͭin a yeare and a daye, he shall

shall haue hys goodes, & they shall not bee sayde wreke by the statute of Westm̃ primo.capi.4.

¶ Voucher is when a precipe quod reddat of lande is brought against a mã, and another ought to warrant the lande to the tenant, then the tenaunt shall vouche hym to warranty, and thereupon he shal haue a writ called summonias ad warrantizandum, and if the shirife retourne, that hee hathe nothing by the whiche hee may be summoned, then ther shal go forthe a writte called sequatur sub suo periculo, and when hee commeth, he shall plede withe the demaundant, and yf hee come not, or yf hee come and cannot barre the de-

& iour, eit ses biens & ne serra dit wreke p lestatut westm̃ primo.ca.iiij.

Voucher est quát vn precipe quod reddat de terre est porte vers vn hõe, & vn auter doit garrauntie le terre al tenant, douq; le tenant luy vouchera a garrantie, & sur ceo il auera vn briefe appel summonias ad warrantizandum, & si le vicount retourn que il nad riens per q̃ il puit este som̃, donques issera briefe appell sequatur sub suo periculo, et quaunt il vint il pledera oues q; le demaundaunt, & si il vint & ne puyt barre le demaundát

don-

donques le demaun-
dant recouera la ter-
re vers le tenant, & le
tenant recouera tant
de terre in valu vers
le vouche & sur ceo
il auera vn briefe ap-
pell capias ad valen-
tiam vers le vouche,
vide plus de vou-
cher deuaunt
titulo gar-
ranty.

maundant, than the de-
maundant shall recouer
the land againste the te-
nãt, & the tenant shal re-
couer asmuch land in va
lue against the vouche, &
therupon hee shall haue
a writ called capias ad
valentiam againste the
vouche. Looke moze
of voucher befoze
in the tytle
garrãty.

Finis.

TO hold by knightes seruice, is to hold by homage, fealte, and escuage, and it dyalwethe to it warde, mariage, and reliefe, and knowe thou that knighte seruice is seruice of landes or tenementes to beare armes in warre in the defence of the realme, and it oweth the ward mariage, and reliefe, by reason that none is able nor of power, nor maye not haue knowledge to beare armes before that hee bee of the age of xxi. yeres. And for so muche that the Lorde shall not leese that that of righte hee ought to haue, and ỳ the power of the Realm of nothing shalbee made weke. The lawe will bee cause of his tẽder age, ỳ ỳ

TEnir per seruice de chiualer est a tener per homage fe altie, et escuage & treit a luy garde mariage & relief. Et nota que seruice de chiualer, est seruyce de chiualer est seruic̃ de terre ou de tenemẽts pur armes porter en guerre en defence de royalme. et doit gard mariage, & relief per la reasone que nul est able ne de power & ne puyt auer conusaunce darmes porter auaunt que il soit dage xxi. ans. Et pur taunt que le seignyour ne perdra ceo, q̃ de droyt doit auer, & que la povver de la royalme de ryen ne soyt enfeeble. La ley voet per cause de sõ tender age que son

seig-

seignioure luy auera en sa garde tanque al pleine age de luy ceſt assauoir. xxi. ans.

Tenir per graunde serieauntie est sicom vne home tyent certeine terres ou tenementes de roye daler oue luy en son hoste ou de porter son banner oue luy en ses guerres, ou amesner son hoste ou tiel semblable, et a ceo appēt garde mariage & relief, sicome il appiert en la treatise de gardes & reliefe.

Tenir per petit sergeantie est sicome vn home tiēt de roy terres ou tenements rēdaunt a luy vn cottel vn escu, vn sete, vne arke, sauns corde, ou

Lorde hym shall haue in his warde till the ful age of hym, that is to say. xxi. yeares.

¶ To holde by graunde serieaunty is as if a man holde certaine lands or tenementes of the kyng to goe with hym in hys hoste, or to bere hys banner wyth hym in hys warres, or to lede hys hoste, or suche like, and thereto belongeth warde mariage and relieke, as it appereth in the tretise of wardes and reliefes.

¶ To holde by petit serieantie is as if a man holde of the kynge lands or tenementes, yeldinge to hym a knife, a buckler, a sheke of arrowes, a bowe without string, or other like

like ſeruice at the wyl of the firſte feoffour, and there belongeth not warde mariage ne relieſe as it appeareth in Magna charta, capitulo xvi. And marke well that a man may not holde by graũd nor petit ſerieauntie, but of the kynge.

¶ To holde by eſcuage is by knighte ſeruice, and there belongeth warde, mariage and relief. And marke well that a man maye not holde by eſcuage, but that hee holde by homage, for that eſcuage of commen righte draweth to hym homage, as it was iudged the xxi. yere of Edwarde the third. And note wel, that eſcuage is a certaine ſomme

auter ſeruyce ſembla bles, a la volunte le primer feoffour. Et la nappent garde ma riage ne relieſe, come appiert Magna carta Capitulo xvi. Et nota que home ne puyt tener per graund ſergeauntie, ne per petite ſerieantie, ſinon del rov.

Tenir per eſcuage eſt a tenir per ſeruice de chiualer. Et la appent garde, mariage, & relief. Et nota que home ne puit tenir p eſcuage, ſinon que il teigne per homage, pur ceo que eſcuage de commen droyt treyt a luy homage come il fuit adiudge in anno xxi. Edward' iii. Et nota que eſcuage eſt vne certeine

ſomme

ſomme de argent, & doit eſtre leue p̄ le ſñr de ſon tenant ſolōq; le quantitie de ſō tenure quāt le eſcuage courge p̄ tout Engl'. Et ordeine eſt p̄ tout le counſel dengleterr, q̄ cheſcun tenant done ra a ſon ſeigniour, & ceo eſt ꝓpreñt pour ſuſteiner la guerre p̄ enter Engleterre & ceux de Eſcoſe ou de Galeys, & non pas p̄ enter auters terres, pur ceo que les auātdits terres ſerront de droyt appendaunt a la royalme Dengleterre.

Tenir per homage aunceſtrel eſt, lou ieo & mon aunceſtoures ont tenus de vous & de vous aunceſtours de temps dount me-

of money, and it ought to bee leuyed by the lorde of hys tenaunte after the quantitie of hys tenure, when eſcuage runneth by all Englande. And it is ordeined by all the coũ ſell of Englande what euery tenaunt ſhall geue to hys Lord, and that is properly for to mainteyne the warres betwene Englande, and them of Scotlande or of Walez, and not betwene other lands, for that, that thoſe foreſayde landes ſhould bee of ryghte belongyng to the Realme of Englande.

¶ To holde by homage aunceſtrel is, where I or my aunceſtourz haue holden of you and of youre aunceſtourz from ỹ time

whereof no mynde runneth, by homage, fealtie and certayne rente, and yt ys not to holde by knyghtes ſeruice, and there belongeth not war de mariage, nor reliefe. And note well that homage maye bee ſayde in two maners, that is to ſay, homage auncеſtrell, and homage de fayte. Homage auncеſtrell is there, where you or your auncеſtours haue holden of me and myne auncеſtours after the tyme of no mynde by homage fealtie, and rent. Homage de fait is there, where I enfeoffe your ſelfe to holde of me by homage and rent, and in ſo much that thys homage beginneth by my deede, it is called homage de fayt.

mory ne courge, phomage, fealtie, & certein rent. Et neſt pas a tener per ſeruice de chiualer, & la nappēt garde mariage, ne reliefe. Et nota q̄ homage puit eſte dit in deux maners, ceſt aſcauoir, homage auncеſtrel, & homage de fait. Homage auncеſtrel eſt, la ou vous & uous aūceſtours ont tenus de moy & mes aūceſters puis le tēps de non memory, per homage, fealtye, & certeine rent. Homage de fait ē la, ou ieo enfeoffe vous m̄s a tenir de moye per homage & rent. Et entaunt que ceſt homage commence per mon fayt, il eſt homage de fayt.

Et

Et nota que homage auncestrel treyt a luy vouch. ceſt aſcauoire garrantie del aunceſters, mes non pas homage de fait.

Tenir per la curteſye Dengleterre eſt, la vn home prent fée enherite, & ont iſſue fits ou file, & la feme deuy, ſoit la iſſu mort ou en vie, le barone tiendra ceſt terre a terme de ſa vie per la curteſie Dengleterre & per la ley. Et en cé caſe le fee & le droit remaint in le perſon celuy de que il tient. Et pur ceo ceſt tenát ne puit aliene en fee ne a term dauter vie. Et ſil face, bien liſt a celuy en le reuerſion dentre.

Tenure in fee ſim-

And note wel ẏ homage aũceſtrel dꝛaweth to him boucher, ẏ is to ſay, warrantie of aũceſtours, but not homage de fait.

¶ To holde by ẏ curteſy of Engläd is ther, where a mä taketh a wife inherite, ⁊ they haue iſſue a ſõne oꝛ a daughter, and the wife dieth, whether ẏ iſſue bee dead oꝛ a liue, the huſbäd ſhal hold this läd foꝛ terme of his life by ẏ courteſie of Engläd, ⁊ by ẏ law foꝛ in this caſe the fee, and the right remayneth in the perſon of him of whome hee holdethe. And foꝛ that this tenaũt may not aliene i fee, noꝛ foꝛ terme of anothers lyfe, and if hee do, it is wel lawfull to hym in the reuerſion to enter.

¶ To holde in fee ſimple

ple, is to holde to anye man or woman, to hym and to his heyres, and to hys assignes for euermore.

¶ To holde in free holde is to holde for terme of hys owne lyfe, or for terme of another mans life, and in thys case the fee & the right remaineth in ỹ person of hym, of whom hee holdeth, and for that this tenant may not alie in fee nor for terme of lyfe. And yf he do, it is wel lawful to hym in whom the fee and the ryghte abydeth to enter.

¶ To holde in dower, is wher a man inherite taketh a wife and diethe, ỹ heyre shal enter, and endowe the wyfe of ỹ third part of all that that was to her husbande in hys

ple est a tenir a aſcun hõe ou feme, a luy & a ſes heires & a ſes aſſignes pour toutes iours.

Tenir in frank tenure ẽ a tenir a term de ſa vie demeſne, ou a terme de auter vie. Et en ceſt cas le fee & le droit remaint in la perſon celuy de q̃ il tient. Et pour ceo cel tenant ne puit pas alien enfee ne a term̃ de auter vie. Et ſil face, bien liſt a c̃ luy in quel le fee & le droyt demoert dentrer.

Tenure in dower eſt, lou home inherit prent feme & deuie, lheire entra & endowera la femme de la tierce partie de tout ceo que fuit a ſon ba-

ron en ſa vie, en fee ſimple ou fee taile, & ele tiendra cels terres pour terme de ſa vye cõe ſon frãktenemẽt.

Tenir a terme dans neſt forſq; chattel en effect, car nul action eſt maintenable enuers le termour quãt a recouerer de frank tenemẽt, car nul frank tenement eſt a luy.

Leſſe a terme dans ẽ chattel real. Et lauter chatel eſt touts biens q̃ eſt mouable.

Tenir in morgage eſt a tenir a certein termẽ ſur condicion, q̃ ſi le leſſour paia tants deniers a tyel iour que il puit enter, & ſinon q̃ lauter eyt fee ſimple ou fee taile, ou franktenemẽt. Et en cheſcun caſe lou terres ou tenemẽts ſont

lyke in fee ſimple or fee tayle, and ſhe ſhall holde theſe landes for terme of her life as her free holde.

¶ To holde for terme of yerez is not but chatel in effecte, for no action is mayntenable agaynſt ỹ termour, as to the recouering of that free hold, for no free hold is in hym. A leaſe for terme of yeares is chatel reall, and other chatell, is all goodes whiche is remouable.

¶ To holde in morigage is, to holde a certain terme vpon condicion, that yf ỹ leſſour paye ſo much money at ſuche a daye ỹ he may enter, and if not, that the other ſhall haue a fee ſimple or fee tayle, or free holde, and in euerye caſe where landes or tenementes bee geeuen

to

to a mā to a certaine terme vpon cōdicion of the parte of the lessour for to make the lessee to haue more long tyme or terme, yf the other doe not as the condicion is, the landes and tenementes vntill the daye that ẏ condicion shoulde bee done, bee holden in morgage, as in a dede gage.

¶ And note well that yf lande bee let to a man in morgage in fee simple or in fee tayle vpon condicion, that yf the firste lessoure, as is before sayde, paye so muche money at suche a day ẏ he may enter, & if not, that ẏ lessee haue the same estate in ẏ landes, that the lessoure dyd hym graunte at the begynnynge. And yf before the daye assygned

dones a home a certeine terme sur cōdicion de part le lessor pour faire le lessee auoir pluis longe tēps ou terme, si lauter ne face sicome la condicion est les terres & tenements tanque le iour q̄ la condicion serroit fait, sōt tenus in morgage, quasi in mort gage.

Et nota q̄ si terre soit lesse a vn hōe en morgage, in fee simple, ou in fee taile sur cōdic̄, q̄ si le primier lessour come deuant est dit, pay tants des deniers a tiel iour que il puit enter, & sinon que le lessee eit mesn̄ lestate en les terres, que le lessour luy graunt adeprimes. Et si deuant le iour assygne,

le leſſee ſoit diſſeiſi, il auera aſſiſe de nouel diſſeiſin. Et en cas q̄ ſi le leſſe prent feme & deuie ſeiſie deuant le iour aſſigne, ſa fée ſerra endow.

Et nota que ſi le leſſour apres le mort le leſſee ne pays les deniers a le iour aſſiſe, a donques la feme tyendra ſa dower, & liſſue ſon herytage.

Et en cas q̄ le leſſour a le iour aſſis paya les deniers al heire de le leſſee, donques il puit ouſter la femme, & le heire auxi de tout le terre premierm̄t leſſe

Et ſi vn home done terres a vne auter en le taile, rendant a luy certein rent per an, & vn enter pur ifaut de payñt, le done prent

the leſſe bee diſſeiſed, hee ſhall haue aſſiſe of nouel diſſeiſin. And in caſe that if the leſſe take a wyfe & dye ſeyſed before ẏ daye aſſigned, the womā ſhall bee endowed.

¶ And note well, that if ẏ leſſour after the deathe of the leſſee pay not the money atẏ day aſſigned, then the woman ſhal hol de her dower, and the yſſue her heritage. And in caſe the leſſour at ẏ daye aſſigned paye the money to the heire of the leſſee, than hee maye put out ẏ woman and the heyre alſo, of all the lande firſte let. And yf a man geeue landes to another in the taile, yeldig to him a certaine rent by the yeare, & one entre for defaute of paimēt, the donee taketh

a wyfe

a wife and diethe seysed the woman shall bee indowed. And in case that after the rent be behind, the donour maye enter & put out the woman and the heyre also. And note well, that yf landes bee let to a man in morgage in fee, vppon condicion, the lessee doth alien the lessour shalbe charged to paye the money to the aliene, and not to the fessee as it is sayde.

femme & deuie seisie la feme serra endow. Et en cas que apres le rent soit aderere le donour puit entre & ousta le feme & leire auxi. Et nota que si terres soyent lesses a vn home en morgag en fee sur certein cõdicions, le lessee aliẽ, le lessour serra charg de payer les denyers al alyen & non pas a son feoffee come il est dit.

¶ To holde in burgage is to holde as yf the burgeis holde of the kyng, or of another lorde landes, or tenementes yeldinge to hym a certain rent by the yere, or els ther wher another man than burgeys holdeth of any lord landes, or tenementes

Tenir in burgage est a tenir si cõe les burgeis teignent de roy ou de auter sñr terres ou tenementes rendant a luy vn cer ten rent per an, ou auterment la ou vn auter home que burgeis tient dascun seigniour terres ou tenementes

en burgage rendant a luy vn certein rent per an.

Tenir en ſocage eſt a tenir daſcun ſeignior terres ou tenemẽts rẽdant a luy vn certein rent pur an, pur touts maners des ſeruices. Et nota que tenir p̃ ſocage neſt pas tenir p̃ ſeruyce de chiualer ne la appent gard maryage ne reliefe, mes ils doublerõt vn foits lour rent aps la mort lour aunceſter ſolonque ceo q̃ ſoleint payer a lour ſeignior & ils ne ſerrount ouſter meſure greues. Come il appierte en la treatiſe de gardes & de reliefes. Et nota que ſocage puit eſtre dit en trois maners ceſt aſſauoir ſocage en frank tenure, Socage in aũ-

in burgage yeldinge to hym a certayne rente by yeare.

¶ To holde in ſocage, ys to hold of any lord lands or tenementes yelding to hym a certaine rent by ẏ yeare for all maner ſeruice. And note well that, to holde by ſocage is not to holde by knights ſeruice, nor ther lõgeth not ward mariage nor relefe. But they ſhall double ones theire rente after the death of theire aunceſtours accordinge to that, that they bee wont to paye to theyre lorde. And theye ſhall not bee ouer meaſure greued, as it appereth in ẏ treatiſe of wardes & relefes. And note wel ẏ ſocage may bee ſayde in thre maners, ẏ is to ſaye. Socage in free tenure.

So

Socage in auncient tenure, and Socage i base tenure. Socage in free tenure is to hold freely by certaine rent for all maner of seruice as is before said, and of that the next kins body shal haue the warde to whom the hertage may not descende, tyll the age of xiiij. yeare; that is to say, if the heritage come by the part of the father, they of the pte of the mother shal haue ỹ warde & contrarie wyse. ¶ And note well that yf the gardeine in socage do make waste hee shal not bee pched of waste, but hee shall yelde accompte to the heyre whan hee shall come to his full age of xxi. yeares, and looke the statute of Marlebrydge, capitulo. xv. for this

cient tenure, & socag de base tenure. Socage en frank tenure est a tenir fraunchement per certein rent pour toutes maners des seruices come deuant est dit, & de ceo le proschein amye auera le gard a que leritage ne purra mye descender tanque al age leire de xiiii. ans cestassauoir si leritage veigne par le parte le pier, ceux de parte la mere aueront le gard & econtra. Et nota q̃ si gardeine en socage face waste il ne serra my empeche de wast mes rendra accompt al heire quát il vyendra a pleyne age de xxi. ans. Et vide lestatut de Marlebrige capitulo xv. pur cest

matter. Socage de auncien tenure é ceo ou gent en auncien demeſne teuoit, que ne ſoilent auter brief auoir que le monſtrauerunt pour eux diſcharge quaunt lour ſeignior eux diſtreine pur faire auters ſeruices que faire ne duiſſent. Et cẽ brief doit eſtr' port enuers lour ſeigniour,& ceux tenants teignent touts p vn certein ſeruice. Et ils ſont frnktenãts dauncien demeſne. Socage in baſe tenur' eſt lon home tyent en auncien demeſne que ne puyt auer le monſtrauer' et pur cẽ il eſt appel de baſe tenure.

Tenir in fee ferme eſt a tener en fee ſim-

matter. Socage in auncien tenure is that wher the people in auncien demeſne holde, whiche vſe no other wrytte to haue than the monſtrauerunt for to diſcharge thẽ whẽ theire lorde diſtrainethe them for to doe other ſeruice that they ought not to doe, and thys wrytte oughte to bee brought agaynſte the Lorde, and thoſe tenantes holde all by one certaine ſeruice, and theſe be free tenaunt es of auucien demeſne. Socage in baſe tenure is where a man holdeth in auncien demeſne, that maye not haue the monſtrauerunt, and for that it is called ỹ baſe tenure.

¶ To holde in fee ferme is to holde in fee ſimple yel-

yeldinge to the lord the value, or at the leaste the fourthe parte by yeare, and hee ought̄s to doe no other thynge, but as it is cōteined in the feffemēt, and hee that holdethe in fee ferme oughte to doe fealtie and not reliefe.

¶ To holde in frank fee is to holde in fee simple landes pledable at the cō mon lawe.

¶ To holde in fee base is to holde at the will of the Lorde.

¶ To holde in pure villenage, is to do all that ꝯ Lorde wyll hym commaunde.

¶ The definicion of villenage is villein of bloud, and of tenure, and it ys hee of whome the Lorde taketh redempcion to

ple rendant a le seign̄ le value ou la moitye ou al maines le quart part p an. Et ne doyt auter chose faire, mes sicome est conteigne en le feoffement. Et q̄ tient en fee ferme doit faire fealtie & ni ent reliefe.

Tenir en frank fee est a tenir en fee simple terres pledable a la comen ley.

Tenir en fee base est a tenir a la volunte le seignor.

Tenir in pure villenage est a faire tout c̄ que le seignioure luy voit commaunder.

La definition de villenage est villeine de sank & de tenure. Et il est de que son seignior prent redēption

de

de ſa file marrier ou ſoy meſme en fraunchiſe. Et le ſeign̄ puyt luy ouſter des terres ou tenements a ſa volunte & auxi de touts ſes biens & chateux. Et nota q̄ ſokman nē pas pure villeine, ne villein doit pas garde mariage ne reliefe ne faire auter ſeruices reals. Et nota q̄ tenure en villenage ne ferra nul frank hōe villein ſil ne ſoyt contenue puis le temps de non memorie ne villeyne terre ne ferra franke home villein ne frāk terre ne ferra villeine franke ſinon q̄ le tenant ſoit cōtinue frāchement puis le tēps de nō memorie, mes villein ferra frank terre villein per ſeiſi ou

marye his daughter, and to make him free, and it is hee whome the Lorde maye put out of hys landes and tenements at hiz wyll, and alſo of all hys goodes and cattel. And note well that a ſokemā is no pure villein, noz a villeine oweth not ward mariage noz relieke, noz to do no other ſeruice real. And note well that the tenure in villenage ſhall make no free man vylleine, yf it be not continued ſith tyme oute of mynde, noz vyllayn lande, ſhall make no free man vylleyne, noz free lande ſhall make no villeine free, except that the tenant haue continued fre ſith ȳ time of no mīd, but a villeine ſhall make fre lāde villeine by ſeiſin

noz

or claime of ỹ lorde. And note wel that if a villein purchase certaine land, & take a wyfe, & alien and dieth before the claime or seisin of the lord, the wife shalbe endowed. And note wel, that in case that ỹ lord bring a præcipe quod reddat agaynst the alien the whiche voucheth to warrant the yssue of the villeine whiche is villeine to the Lorde, hee shall haue the voucher, and by protestaciõ the lord may saye that notwithstandinge that he plede with hys villeine, yet his villeine shall not bee enfraunchesed. And note wel ỹ a bastarde shall neuer bee iudged villeyne, but by knowlenge in court of record. And note well ỹ yf dette be due by a lord to a

p claime de son seign̄
Et nota que si villein purchace certein terre & prent fée & alié & deuie deuaunt le claim ou seisin de son sñr la fée serra endow
Et nota q̄ en ceste case q̄ le seign̄ port precipe qd' reddat enuers lalien son villein le q̄ il vouche a garrantie le issue la villeine qui est villein a la seign̄ il auera la vouche. Et p protestation le seign̄r puit sauer que nõ obstant que il pled' oue son villeine vnẽ son villeine ne serra mye enfraunchise. ¶Et nota q̄ bastarde ne serra iammes aiuge villein si non per conusance en court de recorde.
Et nota q̄ si det soyt due per vn seignor a

vn

vn home & il face ii. home ſes executours les queux ſont villeins al dit ſeigniour & deuie les villeins auerount action de dett enuers lour ſeignor, nient obſtaunt que il plede oueſq; eux, & ſil face proteſtation ils ne ſerront purtant en franchiſe, pur ceo que ils ſount a recoū le dettes auaundit al vſe dune auter perſō ceſt aſſauoire al vſe lour teſtatour & nyent a lour vſe de meſne. Et ſi le tenaunt in dovver eit vn villein le quel purchaſe certeine terre en fee & puis le tenant en dower enter, el auera la terr' a luy & a ſes heires a toutes ioures, & meſme la ley ē de te-

free man, and he maketh two men his executours, the whiche bee villeynes to the ſayde Lorde and dyeth, the villeines ſhall haue an accion of dette agaynſte their Lord. And not withſtandinge that hee plede with them, and yf hee make proteſtacion theye ſhall not bee for ſo much enfraunchefed, for that that they bee to recouer the dette aforeſaid to the vſe of another perſon that is to ſay to the vſe of theire teſtatour and not to their owne vſe. And if the tenaunt in dower haue a villeine whiche purchaſeth certaine land in fee, and after the tenant in dower ētreth, ſhe ſhall haue the lande to her & to her heires for euermore, & the ſame lawe is of tenaunt

nant for terme of yeares of a villeyn.

And note well that the Lorde maye robe hys villain, bete and chastice at hys will, saue onely that he may not maime hym, for then he shal haue appel of mayme agaynste hym.

¶ And note well, that a villayne may haue iij. actions agaynst his lord, ꝑ is to say appel of death of hys auncestour, appel of rape done to his wyfe, & appel of maime. And note well, if two parceners bring a writ of Neofe, & one of thē be nonsute, the nonsuite of him shalbee iudged nonsuite of them bothe, so that yf the nonsuyte bee after apparante, they shalbee put oute from that actiō for euer,

nant a terme dans dū villeyne. Et nota que le seignr puit robber son villeine, naufrer & chastiser a sa volūte, salue q̄ il ne puit luy mahyme, car dōques il auera apell de mahyme enuers luy. Et nota q̄ villein puit auer iii. actions enuers son seign̄, cestascauoir, appel de mort son aūc̄, appel de rap̄ fait a sa femme, & appell de mahim. Et nota si deux ꝑceñs portent brief de Neistie, & lun de eux soit nō suy, le nonsuit de luy serra adiudge la nonsuyte de ambydeux, issint que si le nonsuyte soyt apres apparaunce, ils serrount oustes de cest action a toutes ioures, car

car la ley eſt tiel in fa uorem libertatis. Et nota ſi deux ount vn villeine in le commẽ, & lune de eux face a luy vn manumiſſion, il ne ſerra my enfranchiſe enuers ábideux Et nota q̃ en brief de Natiuo habendo, il couient que le ſeigñr monſtre coment il a-ueigna priuie de ſank a celuy villein de que il eſt ſeignior. &c. Et ſil, ne nul de ſes auncеſters ne ſoit ſeiſi de nul de ſon ſank, il ne gaynera p ſon action ſile villeine nad pas ſonu en court de rec̃ luy eſtre ſon villeyn. Et nota, que en brief de Nieftie ne purrõt eſte mis pluſoures nieſes que deux tantſolement, & hoc introductum fuit prius

for the lawe is ſuch in fauour of liberty. And note well, yf two haue a villeine in commẽ, and one of them make to him a manumiſſion, he ſhal not be made free againſt bothe. And note well, that in a writ de Natiuo habẽdo, it behoueth that the lorde ſhewe how hee comethe priuye of the blood of ỹ villeyne of whom hee is Lorde &c. And yf hee, nor none of hys auncеſtours were not ſeyſed of none of hys blood, hee ſhal not wynne by hys action, yf ỹ villein haue not knowledged in courte of recorde, hym ſelfe to bee hys villein. And note well, ỹ in a writ of Nieſe maye not bee put more nieſes than ỹ, & this was firſte brought in in ỹ hatred of

bon-

bondage. But in a writ de Libertate probanda, maye bee put as manye nyeces as the playntife will.

in odium seruitutis. Mes in briefe de Libertate probanda, pourrount estre mis tantes nieces come le pleintife voudra.

¶ And note well that yf the villeyne of a Lorde bee in auncien demesne of the kyng, or other towne priuileged, within a yeare and a day, the lord may seyse hym, and if he dwel in the same towne or other place fraunchised by a yeare and a daye without seisin of the lord he hath no power to seise hym after, yf hee go not in estraye out of the forsayde fraunches.

Et nota que si le nief de seignior soit en auncien demesne de roy ou auter vyll priuilegie, deins lan & iour le seignior put yt luy seyser, & sil demoert en la dit vill ou lieu franchise per vne an & vne ioure sauns le seysin de son seygniour, il nad my power de luy seyser apres, sil ne va en estray de hors le suisdit fraunchise.

¶ To hold in ỹ tayle is, wher a man holdeth certaine lãds or tenemẽtes,

Tenir en le taile est lou hõe tient certein terres ou tenementes

a luy

a luy & a ſes heirs de de ſon corps engendres. Et nota que ſi la terre ſoit don a vn home & a ſes heyres males, & il ad iſſne male, il ad fee ſimple, & ceo fuit adiuge in le parlyament noſtre ſeigniour le roy. Mes lou terres ou tenements ſount dones a vn home & a ſes heires males de ſo corps engendres, il ad fee tayle, & liſſue female ne ſerra my enherite, vt patet Anno xiiii. Edwardi iij. en vne Aſſiſe.

Tenir en le taile apres poſſibilitie diſſue extinct eſt, lou terre eſt don a home & ſa femme & a les heires de lour ii. corps engē dres, lū d'eux ſuruiue

to hym and to hys heyres of hys bodye begotten. And note well, that yf ỹ land bee geeuen to a mā and to his heyres males, and hee hath iſſue male, he hath fee ſimple, & that was adiudged in ỹ parliament of our lorde the kyng. But where landes or tenementes bee geeuē to a man and to his heyres males of his body begoten, than hee hath fee tayle, & the yſſue female ſhal not bee enheritable, as it appeareth the xiiij. yeare of Edward ỹ third in Aſſiſe.

¶ To hold in the taile after poſſibilitie of yſſue extincte is, where lande is geuē to a mā & to hiz wife & to the heyres of their ij. bodyes ingendred, and one of them ouerlyueth the

the

the other withoute issue betweene them goynge out, hee shall holde the lande for tearme of hys owne life, as tenaunt in the taile after possibility of issue extincte. And not withstandyng that he do waste, he shal neuer be impeched of that waste. And note wel if he alien, he in ỹ reuersiõ shall not haue a writ of entre in consimili casu. But hee maye enter, & his entre is lawful per Robertũ Thorp chief iustice.

lauter sans issue entre eux issant, il tyẽdra, sa terre a term de sa vie demesne cõe tenaunt en le taile apres possibility dissu extinct. Et non obstante q̃ il fac̃ waste, il ne serra iammays empeche de cel waste. Et nota sil alien celuy en la reuersion nauera bryefe dentre in cõsimile casu. Mes il puyt entrer, & son entre est congeable p Robert' Thorp cheif Iustice.

¶ To holde in franke mariage is, to holde in ỹ seconde taile limit in the statut of westm̃ seconde capit. 1. And the feoffour shall acquyte the feoffee of all maner of seruice vnto the fifth degree be past and the feoffour shall do

Tenir en frank mariage est a tenir en le seconde taile limit en lestatut de Westm̃. 2. capitulo primo. Et si le feoffour quitera le feoffee de touts manners des seruices tanque le quart degree soyt passe, & le feoffour

foure ferra toutes les ſeruices & ſuites durant la dyt terme. Et puis les heires le feof fee le ferrount, pour ceo que le priuitie de ſanke eſt paſſe. Et ſil ſoit diſtreine pur ſeruice, il auera brief de meſne enuers luy ſuppoſaunt que il tyente les terres de luy, mes il nauera pas le foreiudgement ſil ne ſoyt en auauntage de ſes iſſues.

Et nota que apres le quart degre ſoit paſſe il ſerra attendant des tants des ſeruices a le donour, come le donour eſt attendant al ſeigniour paramont. Et ſil face felony pur quoy il eſt attaint, le roy auer' ſa terre pur terme de ſa vie natu-

all the ſeruyce and ſuytes durynge the ſayde tearme, and after the heires of the feoffee ſhall doe it, for that, that the priuitie of bloud is paſt. And if hee bee diſtrained for ſeruice hee ſhall haue a wryt of Meſne againſt hym, ſuppoſynge that he helde the landes of him, but he ſhall not haue the foreiudgement yf it bee not in aduauntage of his iſſues.

And note well, that after the fowerthe degree be paſte, hee ſhall be attendant of as much ſeruice to the donoure, as the donoure is attendaunt to the Lorde paramount. And if hee doe felonie for which hee is attaint, the king ſhal haue his lāds for terme of his

lyfe

lyfe naturall. And after hys deathe, his iſſue ſhall inherite, as by force of the tayle. And in thys caſe, none ſhall haue hys landes bye waye of eſchete, no more thenne yn anye other taile. And in caſe that the tenaunt dye without heire of his body begotten, the lande ſhall reuerte to the donoure as it ſhould in the commen tayle. And yf a manne let his lande to another in franke maryage yeldynge to hym a certaine rente by yeare, hee ſhall holde this land in the commen tayl, and not in fraunke mariage, for bye the rente reſerued, theſe woordes (in liberum maritagium) bee all vterlye voyde ſo that the tenoure

ral. Et apres la mort, ſon iſſue ſerra inherit come per force de la taile. Et en ceſt caſe, nul auera ſa terre per voye deſchete, nyent pluis q̃ en auter taile. Et en cas que le tenaunt deuie ſans heir de ſon corps engendres, la terre reuertera a le donour, come ſerroit en le commen taile. Et ſi home leſſa ſa terre a vn auter en franke maryage, rendaunt a luy vn c̃tain rent per an, il tiendra ceſt terre en le commen taile, & nient en franke maryage, car per le rente reſerue, ceux parolx, (in liberum maritagium) ſõt tout ouſterment voides, iſſynt que la tenure ſerra enten-

dus ſolonq; la tenure en le cõen taile.

Et nota que le done en frank mariage ad condycion annexe a lui non obſtante que il neſt pas expreſſemt declare en le Chartre del done, vt patet per ſtatutum weſtm̃ ſecond, capitulo primo de donis condicionalibus.

Et nota que hom̃ ne donera pas terres ou tenements en franke maryage, forſque lou la feme eſt priuye de ſanke a le donoure. Quar auterment naueroit home ne femme aſcun eſtate per tiel feoffemt forſq; a terme de vie.

Tenir en frank almoigñ eſt a tenir terres ou tenemts pour dieu ſeruir & ſaint eſ-

ſhalbe intẽded after ỹ tenure in the cõmen taile.

And note wel that the gift in fraunke mariage hath a condicion annexed to it, notwithſtanding that it be not openly declared in the deede of the gift as it appereth by the ſtatut of weſtm̃ ſecond, Cap. primo, de donis cõdicionalibus.

And note well that a man ſhal not geeue landes nor tenementes in fraunke maryage, but where the womã is pryuie of bloud to the donor, for els the man nor the woman ſhal haue no other eſtate by ỹ feoffemt but for terme of life.

To holde in fraunke almoigne is to hold landes or tenementes for to ſerue Godde and holye

churche

churche to endow without doynge anye other manner of ſeruice. And note well that in thys caſe the donour is meſne and oughte to acquyte him freelie againſte the chiefe lord, and alſo they that holde in franke almoigne ſhall do no fealtie, but they that hold in franke martage ſhall do fealtie.

To hold by Elegit is where a manne hath recouered dette or dammage by writte againſt another or bye knowelege or in other manner hee ſhall haue within the yere againſte hym a writte Judiciall called Elegit to haue execucion of the halfe of al his landes and cattels except oxen, & beaſts of the plow, gliſe dower ſans faire nul auter manner de ſeruice. Et nota que en ceſt cas le donour eſt meſne & luy doit acquiter frãchement euers le chyefe ſeygniour, & auxy ceux que teignont en frãk almoigne ne ferroyt fealtye, mes ceux que teygnount en franke mariage ferrount fealtie.

Tenir per Elegit eſt lou home ad recouere det ou dammage per briefe deuers vne auter ou par conuſance ou en auter maners il auera deuers luy vn briefe iudicyal nom̃ Elegit, dauer execucyon del moytie de touts ſes terres & chateux exceptes boefs & affres a ſa carues tanques le det ou

les dam̃ ſoint ouſter-
ment leues ou payes
a luy & durante ceſt
terme il eſt tenãt per
Elegit. Et nota ſil ſoit
ouſte deyns le terme
il auera aſſyſe de no-
uel diſſeiſin & apres
vn rediſſeiſin ſi be-
ſoign̄ ſoit & ceſt don
per leſtatute de weſt-
minſter. 2. capit'. 17. &
auxy per lequitie de
meſme leſtatut celuy
que ad ſon eſtate ſyl
ſoit ouſte auera aſſiſe
& reddiſſeyſin ſi be-
ſoigne ſoite. Et auxy
ſil face ſes execu-
toures & deuie & ſes
executours entrount
& puis ſoyent ouſtes
ils aueront per lequi-
tie de meſme leſtatut
action come luy meſ
me ſuiſdit, mes ſil ſoit
ouſte & puis face ſes
executours & deuye

tyll the dette or damma-
ges bee vtterly leuyed or
payed to hym, and durig
the terme hee is tenaunt
by Elegit. And note wel
yf hee bee put out with-
in the terme hee ſhal ha-
ue aſſiſe of nouel diſſei-
ſin, and after a rediſſei-
ſin if nede bee, and thys
is geeuen by the ſtatut of
Weſtminſter. ij. ca. xbij.
and alſo by the equite of
the ſame ſtatute, hee that
hathe hys eſtate yf he bee
put oute ſhall haue aſſiſe
and a rediſſeiſin yf neede
be, and alſo yf hee make
hys executours and dye,
and hys executoures en-
ter and after bee put out
they ſhal haue by ỹ equi-
te of the ſame ſtatute ſu-
che accion as hee hym ſel
fe before ſaide, but yf hee
be put out, & after make

hys

hys executours and dye, his executour may enter and yf they be stopped of their entre, they shall haue a writ of tresp̃as vpp̃o their matter and case.

ses executours pourront entrer & sils soient estoppes de loure enter ils auerount vn briefe de tresp̃as sur lour matter & case.

¶ And note well yf hee doo waste in all the lande or parcell the other shall haue agaynst him maintenaunt a writte Judiciall out of the firste recorde called a venire facias ad computãdum by whiche it shalbee inquired yf hee haue leuied all the money or parcel, and yf he haue not leuied the money, than it shalbe inquired, to how much the waste amounteth, and yf the waste mounte but to parcel, then as much of ỹ money as ỹ waste amoũteth shalbee abreged of

Et nota sil face waste en tout la terr' ou en parcell lauter auera enuers luy maynetenaunt vn briefe iudicial hors de la primer recorde nosme venire facias ad computandum per force de quel serra enquyse sil ad leue toutes les deniers ou parcel & sil ad leue les denyers, donque serra enquise a quaunt le waste amount. Et si le waste amount sinõ a parcel donque tauntes des deniers quele waste amoũt serra abrige de

les suisdites deñs q̃ux fuer' estres leues. mes sil ad faite pluis waste q̃ le auantdyt somme dargent q̃ fuit a estre leue amount lauter, sera discharge mayntenaunt de toutes les deniers suysdits & recouera sa terre. Et pur la superfluity de waste fait ouster ceo que amount a le dyt summe il recouera ses dammages sengles, & mesme la leye est de ses executors & auxy de cestuy que ad son estat. Et nota que en Elegit si le vycount retourne que il auoit ryen iour de la reconisance fayt, mes que il pourchace terre puis le temps adonques la partye playntife auera nouel brief dam̃

ẏ foresaid money, which was to bee leuied, but yf he haue done more wast then the foresaid summe of money whiche was to be leuied amounteth, the other shall bee dyscharged by and by of all the said money, and shal recouer the lande, and for the superfluitie of ẏ wast made aboue that that amountethe to the sayde somme hee shall recouer his damages single, and the same law is of his executours, and also of him that hath his estate. And note wel that in an Elegit, if the shirif retourne that he had nothing the daye of the reconisaunce made, but that he purchased lands after the tyme then the partie playntife shal haue a new wryt to

haue

haue execution thereof, the same lawe is of a statute marchaunt. And note well that after a fieri facias a man mai haue the Elegit but not contrarye wise, for so muche ỹ the Elegit is of moze higher nature then the fieri facias. And note wel that if a man recouer by a writte of dette and sueth a fieri facias and the shirife retourne that the party hath nothing wher of hee maye make gree with the partye, then the plantife shal haue a capias sicut alias, and a pluries, and if the shirife retourne at the capias mitto vobis corpus and hee haue nothynge wherof hee may make gre to the party, he shalbe sente to the prison of the Flete &

execucyon de ceo, meſme la ley eſt dun eſtatute merchaunt. Et nota que apres le fieri facias le hom̃ puit auer le Elegit, mes non econtra entant que le Elegit eſt de pluis haut natur' que le fieri facias. Et nota que ſi home recoũ per brief de det et ſue vn fieri facias & le vicont retourne que le party nad riens dont il puit faire gree a la party donq̃s le pleintife auera vne Elegit ou vn capias ſic & alias & pluries. Et ſi le vycont retourne a le capias mitto vobis corpus & il nad riens doũt il puit fair gree a la pty il ſerra maũd al gayle de Fleete & illonques demourra

tanq;

tanque il ad fait gree a la partie & ſi le vic̃ retourne non eſt inuentus adonques iſſera lexigent enũs luy.
Et nota que en briefe de dette porte deuers perſõ de ſaynt eſgliſe q̃ nad rien lay de fee & le vicount returne que il nad riens p̃ que il puit eſtre ſom̃ adon ques ſuera le pleintif briefe al eueſque que il face venir ſon clerk & leueſque luy ferra venir per ſequeſtraci on del eſgliſe.
Et nota que ſi home porte briefe de dette & rec̃ & face ſes exe-cut' & deuie ils aue-rount execucion non obſtante que il ſoyte deins lan per vn ſcire facias.

Tenir per leſtat' mer-

there ſhall abide tyll hee hath made agrement w̃ the partie, & if ẏ ſhirife re tourne nõ eſt inuentus, then there ſhall go forth an erigent agaynſt him.
And note well ẏ i a writ of det brought againſt a perſon of holye churche, which hath nothig of lay fee, & ẏ ſhirife retourneth that hee hath nought by which he may be ſommo ned, thẽ ſhall ẏ plaintife ſhew a writ to ẏ biſhop ẏ hee make his clerke to cõe, & ẏ biſhop ſhal make him to cõe by ſequeſtra-ctiõ of ẏ church. And note wel ẏ if a mã brig a writ of det & recoũ, & make his executors and dieth they ſhal haue execuciõ notw̃ ſtanding ẏ it be within ẏ yere by a fieri facias.

¶ To holde by ſtatute mar-

marchaunt, is where a man knowlegeth to pay certaine moneye to another at a certayn day before the maire, baillyf, or other wardē of ani town ẏ hathe power to make execucion of the same statut & if the oblige pay not ẏ det at the day, & nothīg of his goods, landes or tenements may be founde wythin the warde of the maire or warden beforesaide, but in other places without thē the reconise shall sue the reconisance & obligacon wͭ a certificacion to the chauncery vnder the kings seale, & hee shal haue out of the chaūcery a capias to the shirif of ẏ county wher he is to take him & to put him in in prison, yf hee be not a clark, till hee haue made gremt of ẏ det. And one

chaunt est lou home conust a paier certain deniers a vne auter a certaine iour deuant le maire, bayllie, ou auter gardein dascun ville que ad poiar de faire execucion de m̄ lestatut & si le oblige ne paya le dette a le ioure asses & ryen de ses biens, terre, ou tenem̄ts ne purrōt estre troues deyns la gard le maire ou gardeine auantdyt, mes en auters lieux de hors dō-que le reconise suera le reconisance & obligacyon oue vn certificacion al chauncery desouth le seale le roye, & il auera hors de la chanc̄ vn capias al vic̄ de q̄l coūty il ē de lui app̄nd' & mett' ē pris. sil ne soit clark tanq; il ad fait gre de la det. Et vn quartre

del

de lan apres ceo que
il ſerra pris il auera ſa
terre liuere a luy meſ
me pour faire gree a
la party de dette. Et
il puit vender tanque
il eſt enpryſon & ſa
vende ſerra bone &
loyall. Et ſil ne face
gree deins le quarter
dun an ou ſi ſoite re-
turne que il nē troue
& ſil ne ſoit clerke a-
donques le reconyſe
puyt auer brefe de la
chauncery que eſt ap
pelle Extendi facias
directe al touts vicōt
lou il ad terres deux
tēder ſes terres & ces
byens a luy. & luy ſei
ſer en les terres pour
les tenir a luy & a ces
heirs & a ces aſſignes
tanque le dette ſoyte
leue ou pai & per cel
temps il eſt tenaunt

quarter of the yeare af-
ter that that hee ſhal bee
taken, hee ſhal haue hys
lande delyuered to hym
ſelfe to make gree to the
parte of the dette and hee
may ſell it while he is in
pꝛiſon, and his ſale ſhall
bee good and lawfull.
And yf hee doe not gree
wīn a quarter of a yeare
oꝛ if it be retourned that
he be not found, then the
reconiſe mai haue a wꝛit
of the chauncery whiche
is called ertendi facias
directe to all ſhirifs wher
hee hathe landes & goods
to hym and to ſeyſe hym
in his landes to holde
them to hym and to hys
heires and his aſſygnes
till that the dette be leui-
ed oꝛ payed, and by this
time he is tenant by ſta-

tute

tute marchaunt : And note well, that in a statute marchaunt the reconisee shall haue execucyon of al the lands whych the reconisour hadde the daye of the reconisaunce made, and anye time after, by force of the same estatute. And note wel, that when anye wast or destructyon is made bye the reconisee, or by hym that hathe his estate, the reconisoure or his executours shal haue the same lawe as is beefore sayde of the tenaunt by Elegit and that is by the statute merchaunt late made at Westminster.

And note well, yf the tenāt by statut merchāt hold ouer his terme, hee ỹ hath right may sue against him a venire facias

per lestatut merchant Et nota que en lestatute merchaunt, le reconisee auera execucion de touts les terres que le reconisour auoit iour de la reconisaunce fayt, & vnque puis per force de mesme lestatute.

Et nota que quaunt ascū wast ou destruction est fait per le reconisee ou per celuy qui ad son estate le reconisour & ses executours aueront mesme la ley come est suisdit de le tenaunt per Elegit, & ceo est p lestat' merchāt darraine fait a vvestm̄.

Et nota si tenaunt per lestetute merchāt tient ouster sō terme, celuy qui ad droit put suer enuers luy venire facias ad computādum

tandum, ou entrer tãtoſt.

Trois maners de rẽts y ſount, ceſtaſcauoire rẽt ſeruic̃, rẽt charge, & rent ſecke. Rente ſeruic̃ eſt lou vn hõe tient dun auter p̃ foialty, & pur faire ſuite a ſa court & rendant a luy vn certain rent per an pour touts maners des ſeruices. Et nota, que ſi le ſeignyour ſoit ſeyſie des ſeruices & rent auauntdits, & ils ſoyent aderere, & il diſtreiñ, & le teñt reſcue le diſtres, il puit auer aſſiſe, ou brif de Reſcous. Mes il eſt pluis neceſſarye pour luy auer aſſyſe que bryefe de Reſcous, pur tãt que per Aſſiſe il recouera ſon rent & ſes damages,

ad computandum, or els enter by and by.

¶ There be three maner of rentes, that is to saye, rente seruice, rente charge, and rent secke. Rent seruice ys, where a man holdeth of another by fealtie, and for to doe suite to hys courte, and yeldig to him a certaine rent by the yeare for all maner of seruices.

¶ And note well, that yf the Lord bee seised of the seruice & rent beforsayde & they bee behinde, & hee distraine, and the tenaũt rescue the dystresse, hee maye haue Assyse, or a writte of rescous, but it is more necessarye for hym to haue assise than a wryt of rescous, for so muche that by assise hee shall recouer his rente & hys

hys dammages, but by a writ of Reſcous, hee ſhal not recouer but ꝯ thinge and the dammages.

¶ And note well that yf the lorde bee not ſeyſed of the rent and ſeruyce & they bee beehynde, and hee diſtrayne for them, & the tenaunt take agayn the diſtreſſe, hee ſhal not haue aſſiſe but a writ of Reſcous.

¶ And note well that yf the Lord diſtrayne his tenaũt in ſocage for knightes ſeruice whiche is not with layde of hym, and auowe for the ſame ſeruice in courte of recorde, he ſhalbe charged by the ſame ſeruice by ¶ Fynche, termino Hillary, Anno. xlvi.

¶ And note well that yf the Lorde maye not

mes per ceſt briefe de Reſcous il ne recoue ra mes les repriſes & les dam̃. Et nota que ſi le ſeigniour ne ſoyt my ſeyſye del rent & ſeruice, & ils ſount aderere, & il diſtreyne pur eux, & le tenaunt reprent la diſtreſſe, il ne puyt mye auer aſſiſe, mes brief de Reſcous. Et nota que ſi le ſeygnyour diſtrein ſon tenant en ſocage pour ſeruice de chiualer quel neſt dedit de luy, & auowe pour meſmesles ſeruices en courte de recorde, il ſerra charge per tyels ſeruyces, per Fynche termino Hillarij Anñ xlvi.

Et nota que ſi le ſeigniour ne puit my trouer

trouer dystresse per deux ans, il auer' vers le tenaunt bryefe de Cessauit, Per biennium, vt patet per lestatut de vvestm̃. 2. cap. 21. Et si le tenant deuie en mesme le tẽps & son issue entre, le seignyour auera vers lissue brief dentre sur Cessauit, ou si le tenaunt alien le seigniour auera vers lalyen lauauntdit brief. Mes si le seigniour ad issue & deuye, & le tenant soyte en arrerage de dite rent & seruyces de le temps le pryer del yssue & nemy en temps del issue, il ne puyt mye dystreyne pur arrerage en tẽps son pyer, & il nauera ascun auter recouere vers le tenaunt ou

fynde a distresse by two yeare, hee shall haue aganste the tenant a wryt of Cessauit per biennium as it appearethe bye the statute of Westm̃. 2. capitulo. 21. And if the tenaunt dye the same time and his issue enter, the Lorde shall haue against the issue a wryt surcessant or yf the tenaunt alyen the lord shall haue agaīst the alyen the foresayde wrytte. But yf the lorde haue issue and dye, and the tenaunt bee in arrerage of the sayde rente and seruice in the time of the father of the issue, and not in the tyme of the issue, hee may not distrain for the arrerages in the time of his father, & hee shal haue nõe other recouery against the tenāt or

anye

any other, for that ỹ such aduantage is geeuen by the lawe to the tenaunt. And note well that rent seruice is, to the which belongeth fealtie, but to rẽt charge & rent seck belongeth not fealtie, but it belongeth to rẽt seruyce of cõmen right.

Rent charge is where a man graunteth certaine rent going out of his landes or tenemẽts to another in fee simple, or in fee taile, or for terme of life by dede vpon condition, that at what day that ỹ rent be behinde, it shal be wel lawful to the grãtee or his heires or assygnes to distrain in ỹ same lands or tenementz. And note wel, that if the rent be behind, it is wel lawful to ỹ grãtee by eleciõ

aſcun auter pour ceo que tiel aduãtage eſt done pur le roy al tenant. Et nota q̃ rent ſeruice eſt, a quel appent fealtie, mes a rẽt charge & rent ſecke ne appent pas fealtye mes il appent a rent ſeruyce de commen droit.

Rent charge eſt, lou home grant certeyne rent iſſant de ſes terres ou tenemẽts a vn auter en fee ſimpl' ou in fee taile, ou a term de vie p̃ fait ſur condicion, que a q̃l heure que ne rent ſoyt aderere, bien lirra a le graunt ou a ſes heires ou aſſignes a diſtrein en ñ la terres ou tenementes.

Et nota que ſi le rẽt ſoit aderere, bñ liſt a le grant per election

auer brief dannuitie, ou il puit distreyner, & si la distresse soyt rauise de luy, & il ne fuit mye seisye adeuaunt, il nad mye recouere forsque per brief de Rescous, car la distres primiermẽt fait, ne done a luy seisin forsq; sil happe le rent adeuaunt, car sil fuit seisie del rent adeuaunt & puis le rent soyt aderere il distreine & rescous a luy soit fait, il auera assise ou brief de Rescous.

Et nota que en chescun assise de rẽt charge, & dannuel rent, & en briefe de Annuitie, couyent a celuy que porte briefe de monstre auaunt especialtie, ou auter-

to haue a writ of annultie, or els he may distrayne, and if the distresse be taken agaynste hys wyll from hym, and hee was neuer seysed before, hee hathe not recouerye, but by wrytte of Rescous, for the distresse firste taken, geeuethe not to hym seysin, but yf hee happe the rent beefore for yf he were seysed of the rente before, and after the rẽte bee behynde and hee distrain, and rescous to him bee made, hee shall haue assise, or a writte of Rescous.

¶ And note well, that in euery assise of rente charge and annuel rente, or in a wrytte of annuitie, it behoueth to hym that bringethe the writte to shewe forth an especialty, or

or els he shall not mayntayne assise, but in a Mordaunceſtour or Formedon in the discender or other writts, in the which title ys geuen or comprised of rent charge, or annuell rent, it nedeth not to shewe especialtie.

¶ And note wel ẏ if a mā graũt a rēt charge to another, & ẏ graũtee purchase ẏ halfe of the land whereof the rent is goig out al the rent is extinct, & if ẏ grauntee release to the grauntour parcel of the rente, yet all the rent is not extinct. But in rente seruice, notwithstanding that the lorde hathe pourchased the halfe of ẏ lande whereof the rente is goyng out, yet the rēte is not extinct, but for the halfe, & the cause is of the diuer-

ment il ne mayntenera aſſ. mes en mort dauncestour ou Formedon en la descender, & auters briefes en les qneux title est don ou cōpris de rēt charge ou dannuell rent, nest my besoigñ de mōstre especialtie. Et nota q̄ si hōe grāt rent charge a vn auter, et le grantee purchase le moitie de la terre donor le rent ē issant, tout le rent est extinct. Et si le grātee relesse a le grant tout ꝑcell de la rent, vnc̄ tout le rent nē extīct Mes en rent seruice, non obstante q̄ le sñr ad la moitie purchase de la terre, dount le rent est issant, vnc̄ le rent nest pas extincte forsq; a la moitie, & la cause est de diuer-

sitie, pur ceo que rent seruice puit estre seuere a vn person, mes nemy rent charge.

Et nota q̃ si rét charg soit grant a deux ioīt ment, & lun release, vncore lauter auera la moitie del rent. Et auxi si lun pourchase le moitie de la terre dont le rent est issant lauter auera le moity del rent de son compaignion. Et si le disseisor charge la terre a vn estraunge, & le disseisie port lassise & recouer, le charge est defeate. Mes si celuy qui ad droit, charg la terre, & vne estrange fait vne faux action enuers luy que nad droit & recouera per def. le charge demurra. Et nota que en cas

that, that rente seruyce maye bee seuered to one persomne, but not rente charge.

And note wel that if rent charge bee graũted to twoe iointlye, and the one release yet the other shall haue the halfe of the rent. And also if one pourchase the half of the lande whereof the rente is goinge oute, the other shal haue the halfe of the rente of his companye. And if ỹ disseysor charge the land to a straunger and the disseisie bring assise & recouer, the charge is defeated. But if hee hathe right, charge the lande, and a straunger sain a false actiõ against him & recouer by defaut the charge abydeth. And note well, that in case

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purpartye bee betweene two parceners and more lande be allotted to one then to the other and she that hath more of ỹ land, chargeth her lande to the other and shee happethe the rent shee shall maintaine assise wythoute especialtie, and if the graũtee haue it fee symple or in fee taile, and haue the issue and diethe, if the issue bringe a formedone, or assise of mortdauncester, hee shall neuer bee charged to shewe an especialtie.

Rent secke is where a man holdeth of me by homage fealtye and other seruice yeldinge to me a certaine rent by the yere and I graunt thys rente to another reseruinge to me the seruice.

que vn purpartie soit parenter deux parceners & pluis terre soit allott a lun que a lauter & celuy que ad pluis de terre charge sa terre a lauter & el happe le rent, el maintenera assise sans especialtie, et si le graunt lauoit en fee simple, ou en fee taile & ad issue & deuie si lissue porte vn formedone ou assise de mortdaũ cester il ne serra iammes charge de mõstre especialtie.

Rent secke est lou hõe tient de moy per homage, fealte, & auters seruices rendant a moy vn certein rẽt per an, & ieo graunt cest rent a vne auter reseruaunt a moy le seruyce.

Et nota que en rent ſecke ſi hoe ſoit ſeiſie del rent & le rẽt ſoyt aderere il ne puit my diſtreine mes il auera Aſſiſe de nouell dyſſeiſine.

Et nota que ſi rent ſeck ſoit graunt a vn home & a ſes heirs & le rent ſoit aderer & le grantor deuie leire ne purra mye diſtreiner nemye recouera le arrerage de temps ſon pier ſi come eſt auant dit en rent ſeruyce.

Et en meſme le mañ eſt adire en rẽt charg ou annuel rent. Mes en toutes les rents auantdits layre purra auer pur arrerage en ſon temps demeſne tiel auauntage come auoit ſon pier en ſa vye.

¶ And note well that in rent ſeke yf a man be ſeiſed of the rent, and ỹ rent bee behinde hee may not diſtrayne, but he ſhal haue aſſiſe of noveldiſſeiſin.

¶ And note well that yf rente ſecke bee graunted to a man and to his heyres, and the rente be behind, and the grauntour dye, the heyre maye not diſtrayne, nor ſhall not recouer the arrerages of the tyme of hys father, as it is before ſayd of rẽt ſeruyce.

¶ And in the ſame maner it is to ſaye of rente charge, or annuel rente. But in all theſe rentes before ſaid the heire may haue for the arrerages in hi s owne tyme ſuche auauntage as hys father had in hys lyfe.

An

¶ And note well that in rēt secke yf a man be not seised of the rent, & it bee behind he is without recouery, for that ỹ it was his owne foly at the beginning when the rente was graunted to hym, or reserued that hee tooke not seisin of the rent as a peny or ỹ. pence. And note well ỹ a man may not haue a cessault per biennium or another writ of entre sur cessault for noe rēt secke behind by ỹ. yeres, but they may all onely by rent seruice, as it appeareth in the statute.

¶ And note well that in rēte seke it behoueth him that sueth for ỹ rent seke for to shewe a deede to ỹ tenaunt, or els the tenāt shall not bee charged of the rente, but where the

Et nota que in rent seck si hōe ne soit sei sye del rent & il soit aderere il est sans recouerer, pur ceo q̄ il fuit sa foly demesne adeprimes quaunt le rent fuist grant a luy ou reserue que il ne prist my seisin del rēt sicome vn denier ou deux. Et nota q̄ hōe ne puit my auer cessauit p biennium ou auter brief dētre sur cessauit pur nul rent seck aderere p ii. ans, mes ils purront tout solemnt pour rent seruice vt patet in stat'. Et nota q̄ en rēt seck il couient pur luy q̄ sue pour le rent seck pur mōstre fait al tenant ou auterm̄ le tenant ne serr' my charge del rent forsq; lou

le rent seck fuist rent seruice adeuaunt, cõe en cest case, seignior, mesne, & tenaunt & chescun deux tyent dauter p homage & fealtie & x.s. de rent le seignior paramont purchase les terres ou tenementes de le tenaunt, tout le seignory del meson forsque pris le rent ẽ extincte Et pur ceste cause ceste rẽt ẽ denenus rẽt sek & le rent seruice chaunge, car il ne puyt distr. pur cẽ rent. Et en ceste case celuy qui demaunde le rent ne serra iãmes charge de monstre fait. Auxi en brief de mortdaunce ster aiell ne besaile de rent seck il ne besoigne monstre especialtie pur c̃ que ceste brieues de possession

rent secke was rent seruice beefore, as in thys case, lorde, mesne, and tenaunt, and euery of thẽ holdethe of other by homage fealtie, and x.s. of rent, the lord paramoũt purchaseth the lands or tenementes of the tenaunt, all the seigniorye of the mesne but the rẽt is extinct. And for thys cause thys rent is become rent secke, and the rent seruice changed, for he may not distraine for this rent, & in this case he that demaundeth the rent shal neuer be charged to shewe a deede.

¶ Also in a writte of mordaunteſtoure, ayle, or besayle, of rent secke it needeth not to shew a specialtie for that, that these writtes of possessiõ

do

do comprehende a tytle within them selfe that is to say that ỹ auncestour was seysed of the same rent and continued hys possession by cause of which seisin the law supposeth that it is also auerable by the countrey yet looke, for some suppose that it behoueth of necessitie to shewe forth a deede for that that rẽt secke is a thing agaynst comen right as well as rent charge. But in assise of nouell disseisine & in a writte of entre sur disseisin brought of rent secke, it behoueth of necessitie to shew forth a deede for that that rente seck is a thing against a comen right except in ỹ case beforesaide where it was rent seruice before.

comprehendont vne title deins eux meſm̃s ceſtaſſauoir q̃ launc̃ fuit ſeiſi de meſme le rent & continua ſa poſſeſſion p cauſe de quel ſeiſin le ley ſuppoſe que eſt auxi auerable per pais, tamen quere, car aſcun ſuppoſant que il couyét a fine force a mõſtrer auaunt fait pur ceo q̃ rent ſeck ẽ vn choſe enconter cõen droit auxibiẽ cõe rẽt charges mes en aſſiſe de nouel diſſeiſine & en br' dentre ſur diſſeiſine port de rẽt ſeck il couient de fine forc̃ mõſtre auaunt fait pur c̃ que rent ſeck eſt vne choſe enconter comẽ droit ſinon en le caſe ſuiſdit ou il fuiſt rent ſeruice adeuant.

Et

Et assise de nouel dis seisin, brief dentre sur cessauit ne conteygnent deins eux nul title, mes suppose vn disseisin estre fait a le pleintife. Et dentendement le ley la disseisine ne done nul cause daueremẽt enconter comen droit, mes de fine force il mõstre auant especialtie.

And assise of nouel disseisin, a wryte of Entre sur cessauit conteygne wythin thẽ no tytle, but suppose a disseisin to bee don to the plaintif, & of ỹ entendemente of ỹ lawe the dysseisin geueth noe cause of auerment against commen right, but of necessitie it behouethe to shewe forth a dede.

Suit seruice est a venir a la court de iii. semaignes en troys semaignes p an entier, & pour ceo serra hõe distr' & nient amercye. Suite real ẽ a venir a la court del lete & ẽ nest forsq; deux foits en an, et purceo home serra amercye & non pas distreyne.

Suit seruice is to com to the court of three wekes to three weekes by ỹ hole yeare, and for that a man shall bee distrayned and not amercied. Suit real is to come to ỹ court of lete, and that is not but two times in the yeare, and for that a mã shalbee amerced and not distrayned.

Finis.

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